

S

328.32

L7HJ

1868 5TH

Montana State Library



3 0864 1006 2652 5

MONTANA LIBRARY.

—:O:—

MISCELLANEOUS DIVISION.





Digitized by the Internet Archive
in 2013

HOUSE JOURNAL

OF THE

FIFTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA,

BEGUN AND HELD AT VIRGINIA CITY, THE CAPITAL OF SAID
TERRITORY, ON MONDAY, DECEMBER 7, A. D. 1868,
AND CONCLUDED JANUARY 15, A. D. 1869.



HELENA, MONTANA TERRITORY :
MONTANA POST PUBLISHING COMPANY.

GEO. M. PINNEY, PUBLIC PRINTER.

1869.

FEDERAL OFFICERS.

Governor,

GREEN CLAY SMITH, VIRGINIA CITY.

Secretary,

JAMES TUFTS, VIRGINIA CITY.

Judiciary,

1st District—H. L. WARREN, *Chief Justice*, . . VIRGINIA CITY.

2d District—HIRAM KNOWLES, *Associate Justice*, DEER LODGE.

3d District— ———, *Associate Justice*, ———.

U. S. District Attorney,

A. E. MAYHEW, DEER LODGE.

U. S. Marshal,

NEIL HOWIE, HELENA.

Collector of Customs,

JOHN X. BEIDLER, HELENA.

TERRITORIAL OFFICERS.

Auditor,

WILLIAM H. RODGERS, VIRGINIA CITY.

Treasurer,

W. G. BARKLEY, VIRGINIA CITY.

Sup't Public Instruction,

T. F. CAMPBELL, HELENA.

Prison Commissioners,

FRANK WELLS, RADERSBURG.

THOMAS L. IRWINE, DEER LODGE.

PHILIP E. EVANS, SHERIDAN.

Prison Warden,

THOMAS B. WADE, VIRGINIA CITY.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

A. E. MAYHEW, *Speaker*.
R. D. ALEXANDER.
J. P. BARNES.
A. W. BRISON.
H. R. COMLY.
ANDREW COOPER.
JOHN DONEGAN.
J. M. ELLIS.
SIMEON ESTIS.
R. K. FINDLAY.
J. H. HICKS.
C. W. HIGLEY.

J. C. KERLY.
M. P. LOWRY.
JOHN McLAUGHLIN.
W. F. POWERS.
JOHN W. RHODES.
D. L. SHAFER.
G. W. STAPLETON.
W. STEWART.
OTIS STRICKLAND.
J. M. SWEENEY.
G. W. WENTWORTH.
L. S. WILSON.

R. E. ARICK, *Chief Clerk*.
A. H. BARRETT, *Assistant Clerk*.
T. E. POUNDS, *Engrossing Clerk*.

WILLIAM BUTZ, *Enrolling Clerk*.
O. P. THOMAS, *Sergeant-at-Arms*.
L. O. HOLT, *Doorkeeper*.

MEMBERS OF THE COUNCIL.

S. RUSSELL, *President*.
CHAS. S. BAGG.
J. W. CORUM.
W. E. CULLEN.
W. B. DANCE.
ALEXANDER DAVIS.
THOMAS B. EDWARDS.

H. W. ENGLISH.
A. G. P. GEORGE.
A. H. MITCHELL.
SAMPLE ORR.
JASPER RAND.
THOMAS WATSON.

C. C. MENAUGH, *Secretary*.
W. F. KIRKWOOD, *Assistant Secretary*.
H. H. SHOWERS, *Engrossing Clerk*.

R. P. VIVIAN, *Enrolling Clerk*.
STEPHEN R. ELWELL, *Serg't-at-Arms*.
JOHN THOMPSON, *Doorkeeper*.

HOUSE JOURNAL.

FIFTH SESSION.

FIRST DAY.

DECEMBER 7, 1868.

In pursuance of law, the House of Representatives of the Fifth Legislative Assembly of the Territory of Montana, was called to order by HON. JAMES TUFTS, Secretary and Acting Governor of the Territory of Montana, on Monday, December 7, 1868, at the Hall of the House of Representatives, Virginia City, M. T.

On motion of Mr. Donegan, Mr. Harry R. Comly was appointed Speaker *pro tem.*, and on motion of Mr. A. E. Mayhew, Mr. A. H. Barrett was appointed Clerk *pro tem.*, and L. O. Holt was appointed Doorkeeper *pro tem.*

On motion of Mr. Shafer, William Rea was appointed Sergeant-at-Arms *pro tem.*

On motion of Mr. Lowry, Messrs. Lowry, Rhodes, Donegan, McLaughlin, and Stapleton, were appointed a Committee on Credentials.

On motion of Mr. Stewart, the House took a recess of one hour.

House resumed its session. Mr. Comly in the chair.

Roll called, and the following named persons answered to their names: Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, Mayhew, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson.

On motion of Mr. Higley, Tim Coughlin was appointed Fireman *pro tem*.

On motion of Mr. McLaughlin, the House took a recess of fifteen minutes.

House resumed. Mr. Comly in the chair.

Roll called—same persons answered to their names.

The Committee on Credentials made the following report:

To the Hon. Speaker pro tem. of the House of Representatives of the Territory of Montana:

We, your Committee on Credentials, having performed the duty assigned us, beg leave to report as follows:

We find the following named gentlemen entitled to seats in the House:

First Representative District.

R. D. Alexander, John Donegan, A. W. Brison, and R. K. Findlay.

Second Representative District.

A. E. Mayhew, John McLaughlin, Otis Strickland, Henry Hicks, and J. C. Kerly.

Third Representative District.

J. W. Rhodes, W. F. Powers, H. R. Comly, J. M. Sweeney, and J. M. Ellis.

Fourth Representative District.

G. W. Stapleton, Simeon Estis.

Fifth Representative District.

George W. Wentworth.

Sixth Representative District.

M. P. Lowry.

Seventh Representative District.

Andrew Cooper, John P. Barnes.

Eighth Representative District.

J. Wellington Stewart, C. W. Higley.

Ninth Representative District.

L. S. Wilson, D. L. Shafer.

All of which is respectfully submitted.

M. P. LOWRY.

J. W. RHODES.

JOHN DONEGAN.

JOHN McLAUGHLIN.

G. W. STAPLETON.

On motion of Mr. Donegan, the report was received, adopted, and the committee discharged.

On motion of Mr. Mayhew, the House proceeded to a permanent organization.

Nominations for Speaker being in order, Mr. Kerly nominated Mr. A. E. Mayhew, of Deer Lodge, and Mr. Higley nominated Mr. Wellington Stewart, of Jefferson.

On motion of Mr. Mayhew, the roll was called—all members present.

On motion of Mr. Mayhew, a committee, consisting of Messrs. Mayhew, Shafer, and Sweeney, was appointed to inform the Governor, that the members were ready to take the oath of office.

Committee reported that the Hon. H. L. Warren, Chief Justice of the Supreme Court of M. T., would administer the oath.

Chief Justice Warren accordingly administered the oath to the members in a body.

Mr. Higley moved, that the Speaker be elected by ballot—motion lost.

The roll was called, and resulted as follows :

For A. E. Mayhew—Messrs. Alexander, Barnes, Brison, Donegan, Findlay, Hicks, Kerly, McLaughlin, Shafer, Stapleton, Stewart, Strickland, Wentworth, and Wilson—14.

For Wellington Stewart—Messrs. Comly, Cooper, Ellis, Estis, Higley, Lowry, Mayhew, Powers, Rhodes, and Sweeney—10.

Whole number of votes, 24; necessary to a choice, 13.

Mr. Mayhew, having received a majority of the votes cast, was declared duly elected Speaker of the House of Representatives of the 5th Legislative Assembly of the Territory of Montana.

On motion of Mr. Stewart, a committee of two, consisting of Messrs. Stewart and Kerly, was appointed to conduct the Speaker to the chair.

Mr. Mayhew took the chair, and announced that the next business in order would be the election of a permanent Chief Clerk.

Mr. Kerly nominated Rufus E. Arick. Mr. Comly moved, that the House vote for Clerk by ballot, which motion was lost, and, on motion of Mr. Kerly, R. E. Arick was elected Chief Clerk of the House by acclamation.

Nominations for Assistant Clerk being in order, Mr. Alexander nominated A. M. S. Carpenter, of Madison. Mr. McLaughlin nominated Thomas E. Pounds, of Deer Lodge. Mr. Rhodes nominated A. H. Barrett, of Jefferson.

There being no further nominations, the roll was called, and the vote resulted as follows:

For Mr. Barrett—Messrs. Donegan, Ellis, Estis, Higley, Rhodes, Shafer, and Stewart—7.

For Mr. Carpenter—Messrs. Alexander, Brison, Findlay, Hicks, Kerly, Lowry, Wentworth, Wilson, and Mr. Speaker—9.

For Mr. Pounds—Messrs. Barnes, Comly, Cooper, McLaughlin, Powers, Stapleton, Strickland, and Sweeney—8.

Whole number of votes, 24; necessary to a choice, 13.

Being no choice, the House proceeded to a second ballot, resulting as follows:

For Mr. Barrett—Messrs. Comly, Cooper, Donegan, Ellis, Higley, Powers, Rhodes, Shafer, Stapleton, Stewart, and Sweeney—11.

For Mr. Carpenter—Messrs. Alexander, Brison, Findlay, Hicks, Kerly, Lowry, Wentworth, Wilson, and Mr. Speaker—9.

For Mr. Pounds—Messrs. Barnes, Estis, McLaughlin, and Strickland—4.

Being no choice, the House proceeded to a third ballot, as follows:

For Mr. Barrett—Messrs. Comly, Cooper, Donegan, Ellis, Estis, Findlay, Higley, Powers, Rhodes, Shafer, Stapleton, Stewart, and Sweeney—13.

For Mr. Carpenter—Messrs. Alexander, Brison, Hicks, Kerly, Wentworth, Wilson, and Mr. Speaker—7.

For Mr. Pounds—Messrs. Barnes, McLaughlin, and Strickland—3.

Mr. A. H. Barrett, having received a majority of all the votes cast, was declared duly elected Assistant Clerk of the House.

The election of Engrossing Clerk being in order, Mr. Kerly nominated Mr. Carpenter. Mr. McLaughlin nominated Mr. Pounds. Mr. Comly nominated Mr. Donegan.

Being no further nominations, the roll was called, and vote resulted as follows:

For Mr. Donegan—Messrs. Alexander, Comly, Donegan, Findlay, Higley, Powers, Shafer, Sweeney, and Mr. Speaker—9.

For Mr. Pounds—Messrs. Barnes, Cooper, Ellis, Estis, Hicks, McLaughlin, Rhodes, Stapleton, Stewart, and Strickland—10.

For Mr. Carpenter—Messrs. Brison, Kerly, Lowry, Wentworth, and Wilson—5.

Being no choice, the House proceeded to a second ballot, resulting as follows:

For Mr. Donegan—Messrs. Alexander, Comly, Donegan, Higley, Powers, Shafer, and Sweeney—7.

For Mr. Pounds—Messrs. Barnes, Brison, Cooper, Ellis, Estis, Findlay, Hicks, McLaughlin, Rhodes, Stapleton, Stewart, Strickland, Wilson, and Mr. Speaker—14.

For Mr. Carpenter—Messrs. Kerly, Lowry, and Wentworth—3.

Mr. Thos. E. Pounds, having received a majority of the votes cast, was declared duly elected Engrossing Clerk of the House.

Election of Enrolling Clerk being in order, Mr. Alexander nominated W. Y. Lovell. Mr. Shafer nominated W. P. Parsons. Mr. Stapleton nominated William Butz.

There being no other nominations, the House proceeded to cast their votes, which resulted as follows :

For Mr. Butz—Messrs. Comly, Estis, Higley, Kerly, Lowry, McLaughlin, Rhodes, Stapleton, Stewart, Sweeney, Strickland, and Mr. Speaker—12.

For Mr. Parsons—Messrs. Shafer, Wentworth, and Wilson—3.

For Mr. Lovell—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Findlay, Hicks, and Powers—9.

Being no choice, the House proceeded to a second vote as follows :

For Mr. Butz, 13 votes ; Mr. Parsons, 1 vote ; and Mr. Lovell, 9 votes.

Mr. Butz was declared duly elected Enrolling Clerk of the House.

Nomination of Sergeant-at-Arms being in order, Mr. Brison nominated O. P. Thomas. Mr. McLaughlin nominated James McGovern. Mr. Shafer nominated Wm. Rea. Mr. Findlay nominated J. Vanderbilt. Mr. Higley nominated Mr. Reddick.

The House proceeded to vote, with the following result :

For Mr. Reddick—Messrs. Higley, Lowry, Rhodes, and Stewart—4.

For Mr. Thomas—Messrs. Brison, Comly, Ellis, Stapleton, and Strickland—5.

For Mr. McGovern—Messrs. Donegan, Kerly, McLaughlin, Powers, and Mr. Speaker—5.

For Mr. Rea—Messrs. Barnes, Cooper, Estis, Shafer, Sweeney, Wentworth, and Wilson—7.

For Mr. Vanderbilt—Messrs. Alexander, Findlay, and Hicks—3.

Being no choice, the House proceeded to a second vote.

Mr. Reddick received 4 votes ; Mr. Thomas received 6 votes ; Mr. McGovern received 6 votes ; Mr. Rea received 8 votes.

Being no choice, the House proceeded to a third vote.

Mr. Reddick received 3 votes ; Mr. Thomas received 8 votes ; Mr. McGovern received 4 votes ; and Mr. Rea, 9 votes.

Being no choice, a fourth vote was taken, and resulted as follows:

For Mr. Reddick, 3 votes; for Mr. Thomas, 8 votes; for Mr. McGovern, 4 votes; for Mr. Rea, 9 votes.

Mr. McGovern's name was withdrawn; and, being no choice, a fifth vote was taken, and resulted as follows:

For Mr. Reddick, 8 votes; Mr. Thomas, 8 votes; and Mr. Rea, 8 votes.

Being no choice, the sixth vote was taken as follows:

For Mr. O. P. Thomas—Messrs. Alexander, Brison, Comly, Donegan, Estis, Findlay, Kerly, McLaughlin, Stapleton, Strickland, Sweeney, Wilson, and Mr. Speaker—13.

For Mr. Reddick—Messrs. Ellis, Hicks, Higley, Lowry, Powers, Rhodes, and Stewart—7.

For Mr. Rea—Messrs. Barnes, Cooper, Shafer, and Wentworth—4.

Mr. O. P. Thomas having received a majority of the votes cast, was declared duly elected Sergeant-at-Arms.

A communication was received from the Council through Hon. C. S. Bagg, announcing that the Council was permanently organized, and ready to meet the House in joint convention.

On motion, the House proceeded to the election of Door Keeper.

Mr. Alexander nominated W. A. Cooley; Mr. Brison nominated H. J. Johnson; and Mr. Strickland nominated L. O. Holt.

Mr. Holt received 16 votes; Mr. Cooley received 2 votes; and Mr. Johnson received 6 votes.

Mr. L. O. Holt was declared duly elected.

The election of Fireman being in order, the House proceeded to vote, with the following result:

Mr. Coughlin received 6 votes; Mr. Rogan, 9 votes; Mr. Rea, 3 votes; Mr. Gates, 3 votes; and Mr. Johnson, 3 votes.

Being no choice, a second vote was taken, and resulted as follows:

Mr. Coughlin received 6 votes ; Mr. Rogan, 10 votes ; Mr. Rea, 2 votes ; Mr. Gates, 3 votes ; Mr. Johnson, 3 votes.

Being no choice, a third vote was taken, and resulted as follows :

Mr. Coughlin received 1 vote ; Mr. Rogan, 18 votes ; Mr. Rea, 1 vote ; and Mr. Johnson, 1 vote.

Mr. P. Rogan was declared duly elected Fireman of the House.

The election of Pages being in order, the House proceeded to vote, with the following result :

Master Church received 13 votes ; Master Cummings received 3 votes ; Master Dailey received 19 votes ; and Master Watson received thirteen votes.

Master Dailey was declared duly elected one of the Pages of the House.

There being a tie vote between Masters Watson and Church, a second vote was taken, which resulted as follows :

Master Watson received 13 votes, and Master Church 11 votes.

Master Richard Watson was declared duly elected a Page for the House.

On motion of Mr. McLaughlin, the officers came forward, and the oath of office was administered to them respectively by the Speaker of the House.

On motion of Mr. Comly, the House adjourned until to-morrow morning at 10 o'clock.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

SECOND DAY.

DECEMBER 8, 1863.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—absent, Messrs. Cooper, Higley, Shafer, Stewart, and Wilson.

Minutes of yesterday read and approved.

On motion of Mr. Stewart, the rules of the last session were adopted, and at the request of Mr. McLaughlin, the rules were read.

Mr. Comly offered the following resolution, which was adopted:

Resolved, That the Chair appoint a committee of three to inform the Council that the House is organized, and ready to meet the Council in joint session, and to act with a like committee from the Council to inform the Governor, and ascertain when His Excellency will be ready to meet the joint session of the two Houses.

Mr. Comly, Stewart, and Wilson, were appointed such committee on the part of the House.

On motion of Mr. Stewart, a committee of three was appointed to ascertain the number and kind of newspapers the members desire to be furnished by the General Government.

Messrs. Stewart, Wentworth, and Kerly, were appointed such committee.

Mr. Stewart offered the following resolution:

Resolved, By the House, the Council concurring, that a joint committee, composed of four in the House, and three of the Council, whose duty it shall be to present to this House at an early day as practicable, a revenue law, or amendments to the act passed and approved at the last session of the Legislature.

Which on motion was adopted, and Messrs. Stewart, Comly, Stapleton, and Rhodes, were appointed upon said committee.

Mr. Comly offered the following resolution:

Resolved, That a committee of three from this House be appointed, to consult with a like committee of the Council, and to report joint rules for the government of the two Houses.

Which was, on motion, adopted, and Messrs. Comly, Hicks, and Shafer, were appointed upon said committee.

Mr. Stapleton, of Beaver Head, was called to the chair.

On motion of Mr. Donegan, the following resolution was adopted:

Resolved, That the privileges of the floor be extended to the members of the press.

Mr. Speaker in the chair.

Mr. Wilson offered the following resolution:

Resolved, That this House elect a Chaplain.

Which resolution was lost by the following vote:

Yeas—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Estis, Higley, Lowry, Shafer, Stewart, Wilson, and Mr. Speaker—12.

Nays—Messrs. Comly, Ellis, Findlay, Hicks, Kerly, McLaughlin, Powers, Rhodes, Stapleton, Strickland, Sweeney, and Wentworth—12.

The following communication from the Council was received through Mr. Menaugh, their Chief Clerk:

Resolved, By the Council of the Legislative Assembly of the Territory of Montana, that we request the House of the Legislative Assembly to inform the Council if they are organized according to law.

Also, that House Joint Resolution No. 3, had passed the Council, and that Messrs. Mitchell, George, and Watson, were appointed to act in conjunction with the House Committee.

On motion of Mr. Donegan, the following resolution was adopted:

Resolved, By the House of Representatives, the Council concurring, that the ladies of Virginia City be invited to attend the joint session of the Legislature.

On motion of Mr. Donegan, the vote by which the above resolution was adopted, was reconsidered.

On motion of Mr. Donegan, the words "be invited," were stricken out, and the words "have the privilege of the floor" inserted instead.

The resolution was then adopted as amended.

Mr. Stewart offered the following resolution:

Resolved, By the House, the Council concurring, that the Council be and is hereby invited to meet the House in joint session, in the Hall of the House of Representatives, this afternoon at 3 o'clock, to receive the Governor's Message.

Which, on motion, was unanimously adopted.

On motion of Mr. Stapleton, the House took a recess until two o'clock and fifty minutes.

Two o'clock and fifty minutes P. M. the House resumed its session. Mr. Speaker in the chair.

Roll called—all members present.

The following communication was received from the Council:

MR. SPEAKER—I am directed by the Council to inform your honorable body, that the Council has accepted the invitation of the House to meet them in joint session at 3 P. M., to hear any communication His Excellency the Governor may desire to make.

Also, that House Resolution No. 2 has been made the special order for 2 P. M. to-morrow.

Also, that House Resolution No. 6, giving the ladies of Virginia City the privilege of the floor to attend the joint session of the Legislature, has been indefinitely postponed.

C. C. MENAUGH, *Chief Clerk*.

The hour having arrived for the reception of the Council, the two Houses went into joint convention. President Russell in the chair.

His Excellency then delivered the following Message :

GENTLEMEN OF THE COUNCIL

AND HOUSE OF REPRESENTATIVES :

By virtue of the Fourth Section of the Act of Congress providing a temporary government for the Territory of Montana, it is enacted that the legislative power and authority of said Territory shall be vested in the Governor and Legislative Assembly. The third section of the same act provides that in case of the death, removal, resignation or absence of the Governor from the Territory, the Secretary shall be, and he is thereby, authorized and required to execute and perform all the powers and duties of the Governor, during such vacancy or absence.

The contingency thus provided for, having occurred in the present instance, by reason of the absence of the Governor from the Territory, it devolves upon me, as Secretary, to act in that capacity, and represent that branch of the Legislative Assembly vested in the Executive. We, therefore, gentlemen, constitute the Fifth Legislative Assembly of the Territory of Montana. Having, in this manner, pointed out the legality of our present relations, it only remains that I should signify my readiness to join with you in those duties prescribed by law for the promotion of the prosperity and welfare of our people.

Coming as you do from every county in the Territory, and necessarily familiar with every interest and want of the public, would perhaps render any recommendations from me unnecessary and superfluous. I shall, therefore, only conform to Executive custom, by intimating a few subjects which I believe deserve your consideration and action.

AUDITOR AND TREASURER.

The law of the Territory requires the Auditor and Treasurer to report directly to the Legislative Assembly. While this relieves me from the usual review of our financial condition, it does not preclude me from commending to your thoughtful attention the report of these faithful officers.

CALIFORNIA PRACTICE ACT.

The California Practice Act, passed at the last session, has been found by experience to be well adapted to our condition in its general features. I would recommend, however, that so much of it as prescribes the method of taking and authenticating depositions out of the Territory, be simplified, so as to obviate the necessity of applying to either the district or probate judge for a commission. A simple notice, accompanied by interrogatories, served by the party taking the deposition upon the opposite party, and a provision limiting the time within which the party so served may furnish cross-interrogatories, together with such instructions and formulas for the proper authentication of the deposition, addressed to the magistrate for his government in taking the same, would answer all the purposes of justice and greatly facilitate the convenience of courts and parties.

PAYMENT OF JURORS, WITNESSES, ETC.

The act providing for the payment of jurors, witnesses and officers, operates very oppressively upon the persons interested. I recommend a repeal of the first section of said act, and such alterations in the subsequent sections thereof as shall secure the officers, jurors and witnesses the payment of their just fees, if they require it, as a condition precedent to the rendition of any service of an official character.

CORPORATION LAW.

I also recommend that so much of the general corporation law, adopted at the last session, as provides for the incorporation of companies for the construction of roads and bridges, be repealed. These public conveniences should be provided at the expense of the county or counties through which they pass. Improvements by roads and bridges should be made by corporations in such cases only as it may clearly appear that they cannot be profitably constructed at the public expense. And in all incorporations thus formed, provision should be made for the rapid absorption of the corporation by the public at as early a day as possible, on payment of all expenses actually incurred by it.

EXECUTORS, WILLS, ETC.

The act in relation to executors is deficient in provisions regulating the attestation of wills and property held by devise. It needs a careful revision.

LEGISLATIVE AND FEDERAL OFFICERS.

I recommend the repeal of the laws providing for the payment of the members of the Legislative Assembly and the Federal officers, from the treasury of the Territory.

ATTACHMENT LAW.

The attachment law is found to be a great improvement upon the law first passed upon that subject. In order that it may be entirely effective, I recommend that it be so amended as to authorize the issuance of the writ upon all evidences of indebtedness, based upon a consideration payable in gold dust.

LIMITATION LAW.

I call your attention to section eight of an act concerning limitations, approved February 9, 1865. Its glaring ambiguity has defied the perceptions of our best lawyers, and I suggest that it be either stricken from the statute book, or such changes be made as will give it a definite meaning.

JURORS.

The act concerning jurors, passed last session, should be amended so that the county commissioners may be authorized to draw a larger number of trial jurors. It is often difficult to obtain an unprejudiced jury from so small a number as eighteen; and I would recommend that the number be increased to thirty.

A law should be enacted, prescribing fully the manner in which appeals may be taken from the probate to the district court.

SCHOOL LAW.

Our school law needs revision. It should be adapted to our condition and necessities. Our Territory is not sufficiently populous, nor the stability of its society so thoroughly established, as

to justify the introduction of graded schools. We can, however, assimilate that system, and greatly improve the one now in existence. As there is no subject which commends itself by so many claims to the generous consideration of the Legislative Assembly, so there is none in which a deeper interest is felt by the citizens of the Territory. Constant improvement in the Common School system is the surest evidence a people can afford of their progress in the refinements and elegancies of life. Ours is especially an age of intellectual improvement. Next in importance to liberty itself, the greatest blessing we can confer upon our children is education. No stronger inducement to the early settlement of our Territory can be offered to people of culture and enterprise, than a thorough and well arranged system of common schools. The preparation of such a work should be committed to men of experience, who unite with a thorough knowledge of the system, acquaintance with the present wants of the Territory, and its ability to support the system required. Such men are to be found among us, and I therefore recommend, that at as early a day as practicable, you refer this important subject to a commission of three or more experienced persons, with a request that they furnish for your consideration, a bill for such a law, having reference to the wants of the Territory and the economy of the system.

I submit herewith the report of the Superintendent of Public Instruction.* It will be seen that there has been an encouraging increase in the number of schools, scholars and schoolhouses during the year. The report deserves a careful perusal. From a hasty reading I can most heartily approve of all of its recommendations, and I bespeak for it your attentive consideration.

UNIVERSITY OF MONTANA.

In connection with this subject I trust it will be thought proper for me to recommend the passage of a law at this session, for the incorporation of the University of Montana. An institution of this kind must sooner or later be established in this Territory, and we have the fruits of the careful foresight of the first settlers of our country in the world-renowned universities of Harvard and Yale, to confirm us in the belief that it cannot be established

* See this Report in the Appendix.

too soon. It may, probably will, be years before it can be organized upon a scale commensurate with the powers conferred upon it; but during that time it will not be lost sight of by the public, and may, through the liberality of our own citizens, become the recipient of favors which will form a healthy and lasting endowment. If the future development of Montana realizes our just expectations, wealth will flow in upon us through a thousand channels yet unexplored, and beget in this community an enlarged public spirit, which we may reasonably anticipate will adopt, among the first of its benefactions, the means of general and thorough education. Attention would then be directed to the University, and finding a law with liberal provisions upon our statute book, our citizens would avail themselves of it to give force and utility to such donations as, from time to time, they might feel it a pleasure to make.

FUGITIVES FROM JUSTICE.

Your attention is respectfully invited to that provision in the criminal statute, sections 291 and 292, relating to the reclamation and delivery of fugitives from justice. The law is complicated, and lacks that precision needful to a distinct understanding of its provisions. I would recommend its repeal altogether as a part of the criminal law of the Territory, and the passage of a separate act upon the subject, so expressed as to define specifically the duties of the several officers of the Territory entrusted with its execution.

QUARTZ AND PLACER MINING.

The successful prosecution of quartz mining during the past year leaves no room for doubt that this is speedily to become the leading pursuit of the Territory. In view of that fact, every possible encouragement should be afforded by legislation, to lead to an early and satisfactory development of the different districts. It is impossible, in the infancy of this occupation, to calculate the grand results which are to flow from it in the future, but this we may certainly affirm, that when the extent and richness of our mineral resources are as well understood abroad as at home, the growth and prosperity of the Territory will advance with unprecedented rapidity.

At the last session of the Legislature a law was passed for the encouragement of the agricultural interests, authorizing an annual fair for the exhibition of produce and stock, and placing at the disposal of the officers in charge of the same, the disposition of the fund arising therefrom, in the form of premiums to the most successful exhibitors. It has occurred to me that a similar act for the encouragement of quartz and placer mining would tend greatly to the development of lodes and placers already discovered, and excite emulation among prospectors for the discovery of others. Such an organization might offer premiums for fine and valuable specimens; and the specimens thus obtained might be formed into a cabinet for the Territory, which would illustrate, in miniature, the extent and richness of those natural deposits upon which its prosperity depends. An unanswerable argument would thus be furnished to the manifold objections to our Territory, with which the failures of the first few years of its history have filled the minds of Eastern capitalists. Let premiums be offered for other purposes, also—for the best mill or furnace, millwright or smelter; for the most skillful feeder or handiest apron-tender or amalgamator; for the best proved lode, the deepest shaft, and a shaft sunk in the most workmanlike manner. I believe an association for this purpose no less important with us than the agricultural; and I am confident, if properly organized, it would arouse intense interest and useful rivalry, which would greatly enhance the vital interests of our Territory. We need some effort of a public character to evince our own confidence in our resources as well as to remove the false impression concerning them abroad.

HISTORICAL SOCIETY.

An effort to revive the Historical Society of the Territory, which promises to be successful, has been recently made at Helena. The importance of this institution to the Territory is incalculable. It will necessarily gather into its cabinet, specimens of the mineral wealth as well as of the geology and fossil remains with which the Territory abounds. Properly conducted it may be made an epitome of the Territory itself, and henceforward, at all times, illustrate its progress and development more thoroughly than could be done by any of the ordinary researches of visit-

ors, strangers and savans. It was formerly the custom of the Government, upon the organization of a new Territory, to appropriate an amount ranging from \$2,500 to \$5,000 to provide for it a library. Our Territory having been organized in the midst of the great civil conflict, now so happily closed, this appropriation was, from prudential reasons, withheld. I would suggest to the Legislature that they now unite in a petition or memorial, setting forth the fact of the organization of the Historical Society, and ask for the customary appropriation.

GEOLOGICAL SURVEY.

Of the many subjects of interest to which a residence in this Territory is calculated to direct attention, few are of more immediate or prospective importance than a thorough geological survey. We have learned enough of our resources by casual observation, to know that such an enterprise would result in a real, practical benefit, and add greatly to the riches of scientific research and exploration. No other portion of the continent presents equal attractions to our men of science. Primitive and volcanic remains, petrifications, fossils, hot, warm and medicinal springs, immense gold and silver deposits, coal, iron, copper, precious stones and marble, are found in great profusion and variety in all parts of the Territory. Our soil and climate are adapted to the highest cultivation. There is every inducement on the score of general utility, for Government to engage in this work; and with a view of calling their attention to its importance and magnitude, I respectfully recommend that you would, by memorial, request its early commencement.

RAILROADS.

Another subject upon which you may most fitly memorialize Congress, is the Northern Pacific Railroad, and also the contemplated branch railroad connecting our Territory with the Union Pacific. Our citizens are by no means indifferent to the influences which thus far have retarded the Northern Pacific. To them its early construction is of the highest importance, as it will traverse the entire breadth of the Territory, and furnish a speedy connection with the navigable waters of the Mississippi on the east, and the Pacific on the west. This connection, or the one by

means of a branch railroad with the Union Pacific in the Salt Lake valley, would give us a resistless push forward, multiply the facilities of trade, produce uniformity in the prices of merchandise throughout the season, and cheapen and hasten the transportation of heavy machinery, which must be in constant demand as our quartz interests are improved. We have great reason to rejoice at the near completion of the Union Pacific Railroad. That great inter-oceanic artery, prosecuted with unexampled and marvelous rapidity, has already imparted fresh life and vigor to the business operations of this Territory, and awakened in our people a strong desire for an early connection with it. Such an improvement would be of as much value to the main thoroughfare as to the people of the Territory; for, in return for the conveniences afforded by it, in a rapid and comfortable transit to either ocean, the way commerce and passenger travel would be greatly augmented. There is no reason why Congress should not be as liberal in its bequests to this lateral branch as to the main trunk. Let a memorial set forth our wants and ask what we need.

TERRITORIAL IMMIGRATION.

On a thoughtful consideration of the various inducements which our Territory offers to emigrants, and the numerous channels through which labor here may be profitably distributed, I am satisfied that we need at the present time some more efficient means than we now possess for making our resources known abroad. Our country is capable of sustaining and affording profitable and constant employment to a population of half a million. Of the thousands of immigrants to America from Northern Europe, especially from the Scandinavian countries, a large number, by a well directed effort, could be induced, every year, to seek a home in Montana. The advantage to our Territory of introducing this class of the laboring population of Europe, needs only to be illustrated by remarking the success of similar experiments in Wisconsin, Iowa and Minnesota. No more industrious, well-behaved, thrifty citizens have settled in those communities. Ready to adapt themselves to all the resources and demands of new countries, with courage to endure, and the

patient toil to overcome all privations, they soon, by affiliation, are reckoned among us, and know no interests separate from our own. They are needed in our valleys and among our mines, and wherever else in our Territory there is labor to be performed. The presence of this hardy and industrious race among us would soon dispense with any further demand for the services of the Mongolians, now so fast multiplying upon us. Our labors in this regard should be pursued at the great depot in New York City. I recommend this subject to your attention with the view of devising some means for the steady and permanent increase, year by year, of our population. Most of the Western States and Territories have a Commissioner of Emigration stationed in New York, with maps and publications in the various languages, descriptive of the State or Territory he represents, its geography and advantages. Perhaps you might deem it advisable to create the office of Commissioner of Emigration and make it his duty to reside at the city of New York, and employ such efforts as might be necessary to invite a foreign emigration to Montana.

BIENNIAL SESSIONS.

I suggest a joint resolution instructing our delegate in Congress to secure an amendment to the Organic Act, providing that hereafter members of the Council shall hold for four years, and members of the House for two years. You are aware that by an act of the last session of Congress, biennial sessions of the Legislative Assembly are hereafter provided for. The amendment proposed would give regularity to our elections for members of both Houses, and obviate any embarrassment which might arise as to the status or life of the Legislature in case the necessity should at any time exist for an extraordinary session.

DISTRICT MINING LAWS.

Under the Organic Act our courts have recently decided that no authority exists for the recognition, by courts, of the laws adopted by miners for the government of districts. I recommend a memorial or joint resolution, asking for such an amendment of the Organic Act as shall make it imperative upon our courts to

give these laws the same recognition and validity that they receive in the courts of California and Nevada.

INDIAN TREATIES.

During the year past, treaties have been entered into by the General Government with various Indian tribes, by which the Indian title becomes extinguished to nearly all the settled portions of our Territory. The treaty with the Mountain Crows has already been confirmed by the Senate, and it appears by its provisions that the mining region on the south and east of the Yellowstone, including what is known as Emigrant Gulch, is embraced in the reservation set apart for the exclusive use of that tribe. The Yellowstone being the northern and western boundary of the reservation, they are brought thereby into disagreeable proximity to the frontier town of Bozeman, and the thrifty farmers of the upper Gallatin. It would be well to ask the Commissioner of Indian Affairs to authorize and direct a supplementary treaty, whereby the Crows may surrender their title to all lands west of the meridian $109\frac{1}{2}$ west from Greenwich, or so much thereof as may be necessary to open to miners all the Yellowstone valley above Shield's river or Twenty-five Yard creek.

The treaty with the various bands of the Blackfeet Indians, cedes all that portion of the Territory west and above the mouth of the Marias, along the Missouri, thus extinguishing all Indian claim to that region occupied by settlers, and through which the great thoroughfare from Benton, the head of navigation on the Missouri, passes to Helena.

The treaty with the Bannacks and Snakes yields their right to all lands claimed by them, and locates their reservation in the Salmon River valley.

The ratification of these treaties will relieve us from the charge of being trespassers on Indian land, and our courts from all doubt and hesitancy in adjudicating cases arising under the law regulating trade and intercourse with the Indians. A memorial to the Senate of the United States asking a ratification of these treaties, is recommended.

PENITENTIARY.

The sum set apart by Congress for the construction of a penitentiary has not yet been applied to that purpose. I urge you to ask the proper authorities to take action for the early completion of the building, and at the same time request Congress to increase the allowance to one hundred thousand dollars.

RUSSIAN PURCHASE, ETC.

Within the past year our Government has purchased from Russia, the immense possessions of that Empire on the northwest coast. This acquisition is but a single advance towards the consummation of the doctrine, early broached by the fathers of the Republic, that the entire continent should be ultimately brought under the jurisdiction of our government. We may regard it as the beginning of a series of negotiations for the absorption of the northern and northwestern territory, so long subject to foreign governments. We are now sundered in our northern possessions by the large and valuable country belonging to Great Britain, of which our Territory forms part of the southern boundary. This country, like our own, is traversed by the Rocky Mountain range. It has large, fertile and well watered valleys, rivers of great magnitude, and a climate equal in salubrity to that of Montana. The mountains, for the entire length of the range, are filled with rich veins of gold and silver bearing quartz, and the streams meander through placers and gulches of surpassing richness. Most of this extensive region has been partially settled for the past half century, by traders and trappers in the employ of the Hudson's Bay Company. It is divided into colonies, several of which rival our own Territory in extent, and in the variety and value of their resources. We are assured by some of our citizens who have passed through this country to within the present boundaries of Alaska, that it is in every respect the equal, and in many particulars the counterpart of our own.

The northwestern intersection of our boundary line with that of British Columbia is less than three hundred miles from the waters which encircle the island of Vancouver. These waters, with Puget Sound, constitute the most commodious and for all purposes the safest and best harbor on the Pacific coast. Entirely

protected from the ocean, it affords a safe and easy navigation through a great extent of country which is bountifully timbered and abounds in all useful minerals. The Russian treaty has completed our title to the entire northwestern coast, with the exception of three or four hundred miles. If this was included in our own domain, together with Vancouver, the province of British Columbia, and the colonies of Sashkatchewan, Swan River, Red River and Rainy Lake, it would not only directly encourage the early construction of the Northern Pacific Railroad, and greatly enhance its value and importance in the estimation of all men, but it would render it no longer a northern, but a great central route, with a region on either side of it extending for hundreds of miles, of great value and exhaustless resources. Towns of considerable size and commercial pretension, embracing all the advantages of our seaports have sprung up on the island of Vancouver, and along the waters which separate it from the main land. They only need the enterprise and industry imparted by American institutions to grow into cities of the first magnitude. This country, or a portion of it, has been the subject of occasional treaties between Great Britain and the United States, in one of which, provision was made for preserving to the Hudson's Bay Company, even in that portion of the United States included in Montana, Idaho and Washington, all their customary rights of traffic, thus securing to them many advantages, which by reason of the stringency of our intercourse laws, are denied to our citizens. The acquisition of this territory by our Government is only a question of time, but from our proximity to it, identity of pursuit, its eligibility for railroads and harbor facilities, as well as the easy overland communication it affords with our newly acquired possessions, it is natural that we should anticipate its purchase with some degree of solicitude. We have learned enough of its resources to know what it may become in the possession of an enterprising people, and sympathizing with that sentiment which would plant the free flag of the Republic over all portions of this continent, it is certainly not improper for us to give expression to the patriotic views by which we are animated. A series of resolutions to this effect, and an intimation to our Government of our desire for the early acquisition of this territory, would give a practical embodiment to our opinions which would not fail to elicit attention.

PRESIDENTIAL ELECTION.

I hope it will not be deemed foreign to this occasion to advert to the hopeful fact, that our country has again emerged peacefully and safely from a violent presidential canvass. The public choice has fallen upon the nation's most eminent soldier. During the four years of our desperate civil war, he advanced from comparative obscurity to the foremost military rank, and that confidence which he inspired in the people while commanding their armies, preserved and augmented during four following years of violent party agitation, has been earnestly expressed through the voices of a large majority of the citizens of the Republic. The result, I believe, inspires most propitious hopes for the future of our country—its peace—its prosperity—its unity; and while it has extorted the almost unanimous approval of the press of foreign nations, in our own country, if it has failed to command universal approbation, it has at least merited and secured a patriotic and graceful acquiescence.

PAST AND PRESENT.

Gentlemen, we have now entered upon the fifth year of our territorial existence.

Four years ago this month the first Legislative Assembly convened at Bannack City. Since that time we have more than quadrupled our population, and from two organized counties we have increased to ten. Then, we were an unsettled, migratory people, wild in the chase for gold; now, we are fixed inhabitants, engaged in legitimate and permanent industry.

In lieu of a few gulches and placers in Madison and Beaver Head counties, we now find them in six different counties, and profitably worked along nearly all our rivers.

Two quartz mills have been multiplied to near fifty, and quartz mining, then merely speculative in its ends, is now the substantial interest of our Territory. We then had a single farm on the eastern slope, at the forks of the Missouri, and a few in the Bitter Root on the western; now, our valleys are all cultivated, and spread all over with well-tilled fields and thrifty herds of stock, and what was then regarded a stubborn, worthless soil, has been proved most generously productive in all the necessities of life.

Then, we were wholly dependent upon importations for the staff of life; now, we can not only feed ourselves and send abroad our millions of gold and silver, but by another year or two we shall be able to furnish, from our surplus produce, subsistence for the miners far to the north, whose chafing, restless ambition for new diggings, and whose indomitable pluck will constantly add to our new discoveries, and disclose to the world that our Rocky chain is a golden chain, even from Darien to the waters of the Arctic.

The retrospect is ample, and I refrain from allusions to our prosperous commerce and successful ventures in almost every channel of productive industry.

With so much in our four years' life to encourage us in our labors, I may conclude with the exhortation that we put away party spirit and local jealousies, and with placable temper and pure patriotism, unite our best efforts and energies for the glory of our country, and the prosperity and good name of the coming commonwealth of Montana, ever trusting, for direction and guidance, to that Providence who holds the destinies of individuals and nations in His sovereign control.

JAMES TUFTS,

Acting Governor.

At half past 4 o'clock the House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Mr. Ellis, the following resolution was adopted :

Resolved, By the House of Representatives, the Council concurring, that a Post Boy be appointed, whose duty it shall be to attend to the folding of papers and carrying of all mail matter to and from the Postoffice, and that his pay shall be the same as that of a Page.

On motion of Mr. Donegan, the House adjourned.

A. E. MAYHEW,

Speaker.

R. E. ARICK,

Chief Clerk.

THIRD DAY.

DECEMBER 9, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

The Speaker announced the following Standing Committees of the House of Representatives :

Ways and Means — Messrs. Rhodes, Alexander and Barnes.

Judiciary — Messrs. Stapleton, Stewart and Comly.

Internal Improvements — Messrs. Alexander, Wilson and Wentworth.

Public Lands — Messrs. Shafer, Wentworth and Estis.

Federal Relations — Messrs. Stewart, Comly and Wilson.

Education — Messrs. Sweeney, Hicks and Powers.

Towns and Counties — Messrs. Higley, Ellis and Donegan.

Military Affairs — Messrs. Wilson, Kerly and Lowry.

Incorporations — Messrs. Brison, Strickland and Wilson.

Agriculture and Manufactures — Messrs. Wentworth, Cooper and Shafer.

Elections — Messrs. Powers, Strickland and Findlay.

Indian Affairs — Messrs. Lowry, Barnes and Wentworth.

Mines and Minerals — Messrs. McLaughlin, Donegan and Barnes.

Engrossment — Messrs. Comly, McLaughlin and Findlay.

Enrollment—Messrs. Alexander, Stapleton and Lowry.

Printing — Messrs. Kerly, Strickland and Ellis.

Territorial Affairs — Messrs. Comly, Strickland and Shafer.

Roads and Highways — Messrs. Cooper, Wilson and Wentworth.

Finance — Messrs. Stewart, Barnes and McLaughlin.

Montana Library

Miscellaneous Division

Mr. Stewart, chairman of Select Committee, submitted the following report:

We, your Select Committee, whose duty it was to ascertain the number and kind of newspapers to be furnished the members of this House, at the present session of the Legislature, by the General Government, report as follows: The members desire sixty-five copies of the "Independent," seventy-three copies of the "Daily Rocky Mountain Gazette," eighty-five copies of the "Tri-Weekly Montana Democrat," forty-eight copies of the "Daily Helena Herald," and seventy-one copies of the "Daily Montana Post."

All of which is respectfully submitted.

W. STEWART, *Chairman.*

On motion of Mr. McLaughlin, the report was received and adopted, and the committee discharged.

Mr. Comly, chairman of the Joint Committee, reported as follows:

MR. SPEAKER—Your Committee, appointed to confer with a committee from the Council on the subject of joint rules for the government of the two Houses, respectfully report that the joint committee recommend the adoption of the joint rules adopted by the Fourth Legislative Assembly.

HARRY R. COMLY, *Chairman.*

On motion of Mr. Strickland, the report was received, adopted, and the committee discharged.

Notice was given of the introduction of the following bills:

By Mr. Strickland—"An Act to repeal an act relating to the discovery and possessory right of all placer mines."

By Mr. Ellis—"A Bill concerning the fees of the district attorney in the county of Lewis and Clarke. Also, "A Bill concerning the office of probate judge of said county."

By Mr. Donegan—"A Bill entitled "An Act to repeal an act to provide increased compensation to officers in this Territory."

By Mr. Kerly—"An Act to amend the quartz laws of this Territory."

By Mr. Wentworth—A Bill to repeal an act entitled "An act in relation to trout fishing."

By Mr. Wilson—A Bill to regulate the compensation of certain officers of Montana Territory.

By Mr. Stapleton—A Bill to amend an act entitled "An Act to regulate proceedings in civil cases, in courts of justice in Montana Territory," where said act defines the manner of trial by jury. Also, a bill to repeal an act entitled "An Act for the better observance of the Lord's Day."

By Mr. Higley—A Bill for the relief of William Berkins.

By Mr. Stewart—A Bill defining the boundary lines of Jefferson county.

Mr. Alexander introduced the following resolution :

Resolved, That a committee of three from the House, with a like committee from the Council, confer with the Secretary of the Territory, and request the public printing be awarded to J. P. Bruce of the Montana Democrat.

Which was adopted, and Messrs. Alexander, Wilson and Kerly were appointed upon said committee.

Mr. Powers offered the following resolution :

Resolved, By the House of Representatives, the Council concurring, that no petitions or applications for divorce be received or granted in this Assembly.

Which was, on motion of Mr. Stewart, made the special order for Thursday at 11 o'clock, A. M.

On motion of Mr. Stapleton, the following resolution was adopted :

Resolved, That the Committee on Printing be instructed to request the Secretary of the Territory to furnish one hundred copies of the rules reported by Select Committee for the government of this House.

The following communication was received from the Council through Mr. Menaugh, their Chief Clerk:

MR. SPEAKER—I am directed by the Council to inform your honorable body, that Mr. Cullen gave notice of the introduction of the following bills:

“An Act to provide for the exemption of homesteads from forced sale upon execution or other final process.” Also, “An Act to provide for the foreclosure of mortgages, containing a power of sale, by advertisement.”

By Mr. Bagg—A Bill to amend an act entitled “An Act concerning jurors.”

By Mr. Rand—“An Act to amend an act entitled an act to locate the seat of government of Montana Territory.” Also, “An Act to repeal an act entitled an act to provide increased compensation to officers in Montana Territory.”

By Mr. Corum—“An Act concerning licenses.”

By Mr. George—“An Act to dissolve the bonds of matrimony between William Hamilton and Ann Hamilton.”

C. C. MENAUGH, *Chief Clerk.*

On motion of Mr. Stewart, the following resolution was adopted:

Resolved, That the Chief Clerk of this House furnish the Secretary of the Territory, a copy of the report of the Select Committee on the selection of newspapers for the use of the members at the present session of the Legislature, and request an answer from said Secretary upon the request in said report.

On motion of Mr. Comly, the following resolution was adopted:

Resolved, That the Secretary of the Territory be requested to furnish, for the use of this House, five hundred copies of the Governor's Message.

The following communication was received from the Secretary:

SECRETARY'S OFFICE, MONTANA TERRITORY, }
 VIRGINIA CITY, Dec. 9, 1868. }

To the Speaker and Members of the House of Representatives :

I have the pleasure to transmit herewith, twenty-four copies of Barclay's Digest, one copy to each member, a thoughtful and valuable donation from our delegate in Congress, Hon. James M. Cavanaugh, who has kindly made me the medium of presentation to your honorable body.

I have the honor, and am,

Very respectfully, your obedient servant,

JAMES TUFTS,

Secretary of Montana.

The following communication was received from the Governor :

EXECUTIVE OFFICE, VIRGINIA CITY, }
 MONTANA, Dec. 9, 1868. }

To the Council and House of Representatives of the Territory of Montana :

I have appointed O. O. Cullen, Private Secretary to the Executive. All communications from this department to your honorable body will be received through him.

Your ob't serv't,

JAMES TUFTS,

Acting Governor, Montana.

The following communication was received from the Council through Mr. Menaugh, their Chief Clerk :

That House Joint Resolution No. 1, was passed by the Council, and that Messrs. Cullen, Orr and English were appointed a committee to confer with the House Committee.

On motion of Mr. Comly, the following resolution was adopted :

Resolved, That a vote of thanks be tendered to the Hon. James M. Cavanaugh, for the valuable present of twenty-four copies of Barclay's Digest, presented to this House.

On motion of Mr. Brison, Master Thomas Church was elected Postmaster for this House.

On motion of Mr. McLaughlin, the House took a recess until 2 o'clock P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

The following report was received from the Territorial Treasurer;

TREASURER'S OFFICE, MONTANA TERRITORY,
VIRGINIA CITY, December 1st, 1868.

To the Honorable Council and House of Representatives of Montana Territory:

GENTLEMEN: In compliance with the requirements of law, I have the honor to submit the following report of the transactions of this office, for the year ending November 30, 1868:

RECEIPTS.

The receipts were as follows:

Amount of Madison County Treasurer,	\$12,234.60	
“ Beaver Head County Treasurer, .	2,525.06	
“ Missoula “ “	2,593.03	
“ Deer Lodge “ “	9,181.95	
“ Edgerton “ “	4,391.44	
“ Lewis & Clarke “ “	16,235.24	
“ Jefferson “ “	2,158.09	
“ Gallatin “ “	2,609.67	
“ Meagher “ “	2,955.13	
“ Chouteau “ “	1,457.60	
“ Ex-Treasurer John S. Rockfellow,	2,421.26	
“ To Multiple Bonds	174.31	
“ Deposited for John McGregor's heirs	45.10	
		\$58,982.48
Twenty-five per cent. Fund to pay interest on Bonds	\$14,129.05	
		\$14,129.05

Total amount of Certificates filed for bond- ing	\$58,761.66
Amount received to Multiple Bonds	174.31
	<hr/>
	\$58,935.97
Total amount new Warrants registered.....	\$63,158.52

DISBURSEMENTS.

The disbursements were as follows :

By Twenty-five per cent. of \$56,516.22	\$14,129.05
“ amount paid John P. Bruce, printing ...	17.00
“ “ due John McGregor's heirs	45.10
“ Treasurer's fees, 5 per cent. on \$25,000.00	1,250.00
“ “ “ 3 “ “ 33,937.38	1,018.12
“ Auditor's receipts for Warrants and In- terest paid and canceled	42,352.24
“ balance on hand	170.97
	<hr/>
	\$58,982.48
By Coupon Interest due and paid June 1st, 1868.....	\$3,250.35
“ Coupon Interest due and paid Dec. 1st, 1868.....	4413.75
“ balance to Sinking Fund.....	6,464.95
	<hr/>
	\$14,129.05
By amount on Bonds.....	\$58,850.00
Balance in favor of Territory	85.97
	<hr/>
	\$58,935.97
Total amount of new Warrants and Interest paid and canceled	\$30,446.20
Amount new warrants registered and out- standing	32,712.32
	<hr/>
	\$63,158.52

W. G. BARKLEY,
Territorial Treasurer.

On motion of Mr. Comly, the report was received, and referred to the Committee on Finance.

The following communication was received from the Council, through Mr. Menaugh, their Chief Clerk:

That Mr. Orr introduced Council Bill No. 1, entitled "An Act to re-enact an act to incorporate the El Dorado and Diamond City Wagon Road Company, approved Dec. 20, 1867."

Mr. Donegan, by leave, introduced House Bill No. 1, "An Act to repeal an act entitled an act to provide increased compensation to officers in this Territory, approved January 24, 1865."

Read first and second time, and referred to the Committee on Ways and Means.

By leave, Mr. Alexander introduced House Bill No. 2, "An Act entitled an act for the relief of Hot Spring School District."

Read first and second time, and referred to the Committee on Education.

On motion of Mr. Comly, the following resolution was adopted:

Resolved, That the Secretary of the Territory be requested to furnish the House with fifty cards, containing the standing committees of the House.

On motion of Mr. Brison, the following resolution was adopted:

Resolved, That a committee be appointed to call upon the Governor's Secretary to procure or furnish keys to the desks for the members of the House.

The following notices of the introduction of bills were given:

By Mr. Barnes—A Bill for the relief of Meagher county.

By Mr. Shafer—A Bill entitled "An Act supplementary to an act concerning lost goods and estrays."

By Mr. Higley—"An Act to prevent the unlawful driving away of cattle and other stock by drovers and others."

By Mr. Comly—"An Act to amend an act providing for the collection of revenue."

Mr. Stewart in the chair.

Mr. McLaughlin gave notice that he would introduce a bill authorizing the county commissioners of Deer Lodge county to set apart a certain sum as a fund for incidental expenses.

The following notices of the introduction of bills were given:

By Mr. Ellis—A Bill relating to county assessors in the counties of the Territory.

By Mr. Alexander—"A Bill prohibiting the importation into this Territory of Spanish or Texas cattle."

By Mr. Wentworth—"An Act relating to roads and highways."

On motion of Mr. Mayhew, the House adjourned.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

FOURTH DAY.

DECEMBER 10, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—absent, Mr. Donegan.

Minutes of yesterday read and approved.

The following communication was received from Mr. Stewart:

MR. SPEAKER—With your permission and the consent of the members of this body, I desire to be relieved from the duties of Chairman of the Committee on Federal Relations, and recommend the appointment of the Hon. J. M. Ellis to fill my place.

On motion, Mr. Stewart was relieved, and Mr. Ellis appointed in his stead.

The following notices were given of the introduction of bills:

By Mr. Powers—"An Act imposing a tax on all foreigners mining in this Territory."

By Mr. Ellis—"An Act amendatory of an act relating to fires, and the protection of timber and grasses."

By Mr. Wilson—"A Bill regulating the rates of charges for the publication of legal documents." Also, "A Bill asking that the poor tax shall in all cases be collected in money." Also, "A Bill authorizing the laying out of a territorial road from the city of Bozeman, in Montana Territory, to the city of Helena, and asking an appropriation therefor."

By Mr. Ellis—"A Bill relating to the payment of jurors, witnesses, and officers, in Montana Territory."

Previous notice having been given, Mr. Ellis introduced H. B. No. 3, "An Act to amend an act providing for the collection of revenue."

Read first and second time, and referred to the Committee of Ways and Means.

Mr. Wentworth introduced H. B. No. 4, "An Act to repeal an act in relation to trout fishing."

Read first and second time, and referred to the Committee on the Judiciary.

Mr. Strickland introduced H. B. No. 5, "An Act to repeal an act in relation to the discovery and possessory right to all placer mines."

Read first and second time, and referred to the Committee on Mines and Minerals.

By leave, Mr. Wilson introduced H. B. No. 6, "An Act amendatory of an act entitled an act providing for the collection of revenue."

Read first and second time, and referred to the Committee on Ways and Means.

The hour of 11 o'clock having arrived, on motion of Mr. Donegan, the House went into Committee of the Whole, to consider the resolution offered by Mr. Powers, in relation to divorces. Mr. Stewart in the chair.

House resumed. Mr. Speaker in the chair.

On motion, time was granted to the chairman of the Committee of the Whole to report.

The following communication was received from the Council through Mr. Menaugh, their Chief Clerk :

That Mr. Edwards gave notice of the introduction of the following bills :

“ An Act concerning hogs.” Also, “ An Act to dissolve the bonds of matrimony between John Richards, Jr., and Louisa Richards.”

By Mr. Cullen—“ An Act to define the nature and quality of estates in real property and the alienation thereof.”

By Mr. George—“ An Act to regulate and license China miners.”

By Mr. Dance—“ An Act to amend section 219 of the civil practice act, approved December 23, 1867.”

That Mr. Rand introduced C. B. No. 2, “ An Act to amend an act entitled an act to locate the seat of government in and for Montana Territory.”

That Mr. Cullen introduced C. B. No. 3, “ An Act to provide for the exemption of homesteads from forced sale upon execution or other final process.”

That Mr. Bagg introduced C. B. No. 4, “ An Act to amend an act entitled an act concerning jurors, approved November 29, 1867.”

On motion of Mr. Comly, the House took a recess until 2 o'clock, P. M.

House resumed. Mr. Speaker in the chair.

Mr. Stewart, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—The Committee of the Whole, to whom was referred the resolution of Mr. Powers, and made the special order for 11 o'clock this A. M., have had the same under consideration, and recommend the following as a substitute, and that it do pass :

Resolved, By the House of Representatives of the Territory of Montana, that no petition or application for divorce be granted by this House.

Respectfully submitted,

W. STEWART, *Chairman*.

Report received.

Mr. Comly moved to lay the amendment or substitute, as recommended by the Committee of the Whole, on the table.

Motion lost.

On motion of Mr. Powers, the substitute reported by the committee, was adopted by the following vote :

Yeas—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Estis, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Strickland, Wentworth, Wilson, and Mr. Speaker—17.

Nays—Messrs. Comly, Findlay, Hicks, Higley, Lowry, Stewart, and Sweeney—7.

On motion of Mr. Strickland, the House adjourned.

A. E. MAYHEW,

Speaker.

R. E. ARICK,

Chief Clerk.

FIFTH DAY.

DECEMBER 11, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Stapleton, chairman of the Committee on the Judiciary, reported :

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 4, "A Bill to repeal an act entitled an act in relation to trout fishing," have had the same under consideration, and report it back to the House without amendment, and recommend that it do pass.

G. W. STAPLETON, *Chairman.*

Report received.

Mr. Alexander, chairman of Select Committee, reported that the committee had waited upon the Secretary, in compliance with resolution No. 2, and asked to be discharged.

Report received, and committee discharged.

The following notice was given of the introduction of bills :

By Mr. Stewart—"An Act for the relief of A. M. S. Carpenter."

Mr. Donegan was here called to the chair.

Mr. Mayhew gave notice that he would, at some future day, introduce a bill for the relief of D. P. Newcomer of Deer Lodge county, Clerk of the District Court of the third judicial district, for preparing the records of said court relating to the Territory of Montana.

Also, A Bill requiring certain persons in the Territory to take out licenses.

Mr. Comly gave notice of the introduction of a bill entitled "An Act to amend an act to regulate proceedings in civil cases in the courts of justice of Montana Territory, approved Dec. 23, 1867."

Previous notice having been given, Mr. Wilson introduced H. B. No. 7, "An Act to amend an act entitled an act to provide for, and regulate the charges for the publication of legal documents."

Read first and second time, and referred to Committee on Printing.

Mr. Ellis introduced H. B. No. 8, "An Act creating the office of clerk of the probate court."

Read first and second time, and referred to the Committee on Judiciary.

By Mr. Brison—H. B. No. 9, "An Act concerning stallions."

Read first and second time, and referred to Judiciary Committee.

By Mr. Ellis—H. B. No. 10, "An Act relating to fires, and the protection of timber and grasses."

Read first and second time, and referred to Judiciary Committee.

Mr. Stapleton introduced the following :

Resolved, By the House, the Council concurring, that a committee of four from the House, and three from the Council, be appointed, whose duty it shall be to report to this House, "An Act providing for the collection of revenue," at as early a day as possible.

Which, on motion, was adopted, and the following committee appointed in pursuance thereof: Messrs. Stapleton, Stewart, Rhodes and Barnes.

Mr. Mayhew offered the following resolution :

Resolved, By the House of Representatives, that the Committee on Public Lands of this House, are hereby requested to prepare a memorial to Congress, praying that honorable body for a sufficient appropriation of money for this Territory, to make a full and complete survey of the public lands within this Territory,

and further, to grant to this Territory a portion of the public lands for the use and benefit of the Territory at as early a day as possible.

On motion, the resolution was adopted.

Mr. Cooper gave the following notice :

MR. SPEAKER—I give notice that I will, on to-morrow, move the reconsideration of the vote on the resolution in relation to divorces.

The following message was received from the Council, through Mr. Menaugh, their Chief Clerk :

That Council Bill No. 1, "An Act to repeal an act to re-enact an act to incorporate the Eldorado and Diamond City Wagon Road Company, approved Dec. 20, 1867."

And C. B. No. 7, "An Act to repeal an act providing for holding terms of the probate court of Deer Lodge county, at Phillipsburg in said county," had passed the Council.

Also, that Mr. Cullen had introduced C. B. No. 5, "An Act concerning licenses."

That Mr. Baggs had introduced C. B. No. 6, "An Act to provide for the foreclosure of mortgages, containing a power of sale, by advertisement."

That Mr. Cullen had introduced C. B. No. 8, "An Act to define the nature and quality of estates in real property, and the alienation thereof."

That Mr. Cullen gave notice of the introduction of "An Act to amend an act entitled an act relative to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby."

Mr. Barnes called up C. B. No. 1, "An Act to repeal an act to re-enact an act to incorporate the Eldorado and Diamond City Wagon Road Company, passed and approved Dec. 20, 1867."

Read first and second time, and amended as follows, on motion of Mr. Barnes :

Amend by inserting the following section: "SEC. 2. That 'An Act entitled an act to incorporate the Eldorado and Diamond City Wagon Road Company, passed April 12, 1866,' is hereby repealed."

Amend by making section 2 read section 3.

On motion of Mr. Stapleton, the following amendment to the amendment was adopted:

Amend section 2, as follows: "That said road is hereby declared a free road, open for the use and travel of the people of the Territory."

The bill was then considered engrossed, rule suspended, bill read third time, and passed as amended by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—24.

Nays—None.

On motion of Mr. Stewart, the following amendment was added to the title of the bill: "And for other purposes."

On motion, the House took up C. B. No. 7, "An Act to repeal an act providing for the holding regular terms of the probate court of Deer Lodge county at Phillipsburg in said county."

Read first and second time, and referred to Judiciary Committee.

The following communication was received from the Council:

That Mr. Watson had introduced C. B. No. 9, "An Act to authorize and encourage the development of mining districts, by the location and working of tunnels."

On motion of Mr. Strickland, the House took a recess until
2 P. M.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Governor, through his Private Secretary, Mr. O. O. Cullen :

EXECUTIVE OFFICE, MONTANA, }
December 10, 1868. }

To the Legislative Assembly:

I beg leave to remind the Council and House, that our delegate in Congress has requested me to urge you to prepare and act upon all memorials to Congress as early as possible, for the reason that the present Congress terminates on the 4th of March next, and we have no delegate elect for the 41st Congress.

Respectfully,

JAMES TUFTS,

Acting Governor.

On motion of Mr. Wentworth, the report of the Judiciary Committee upon H. B. No. 4, was adopted.

On motion, the rules were suspended, and the bill was considered as engrossed, read a third time, put upon its final passage, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Absent—Mr. Higley.

Title agreed to.

Mr. Comly gave notice that he would at some future day, introduce a memorial to Congress, asking for an appropriation of \$1,000,000, to pay demands due by the United States to citizens of this Territory, for goods and materials furnished during the Indian raids of the Spring of 1867.

On motion of Mr. Stewart, the following resolution was adopted :

Whereas, the Secretary of the Territory has not furnished to the members of this House the necessary and customary stationery for their use at the present session, therefore be it

Resolved, That the Sergeant-at-Arms of this House be and he is hereby requested to call upon the said Secretary and request him to furnish the members of this House with such stationery as is necessary for them at the present session.

The following communication was received from the Council :

That the following notices of the introduction of bills were given :

By Mr. Mitchell—"An Act to create the office of attorney general, to define its duties, and to provide for the compensation thereof."

By Mr. Davis—"An Act to repeal the charter of the city of Virginia."

That Mr. George introduced C. B. No. 11, "An Act to regulate and license foreign miners."

C. C. MENAUGH, *Chief Clerk*.

The committee on Mines and Minerals reported as follows, through their chairman, Mr. McLaughlin :

MR. SPEAKER—Your Committee, to whom House Bill No. 5 was referred, "An Act to repeal an act entitled an act relating to the discovery and possessory right to all placer mines," have had the same under consideration, and would recommend the passage of the bill with the following amendment :

That section 2 be stricken out, and the following be inserted in its place: "This act to take effect and be in force from and after the first day of June, A. D. 1869."

Report received and adopted.

On motion of Mr. McLaughlin, the House went into Committee of the Whole, to consider H. B. No. 5, with the amendments. Mr. McLaughlin in the chair.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Donegan, the House adjourned.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

SIXTH DAY.

DECEMBER 12, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—absent, Messrs. Findlay and Hicks.

Minutes of yesterday read and approved.

Mr. Stapleton, chairman of the Committee on the Judiciary, reported :

MR. SPEAKER: Your Committee on the Judiciary, to whom was referred H. B. No. 8, "An Act entitled an act creating the office of clerk of the probate court," have had the same under consideration, and report it back to the House, with the recommendation that it pass after making the following amendments :

Amend the title by striking out the words, "An Act entitled." Section 2, strike out "him," in last line, and insert "them." Section 3, strike out "of," after "approved," in the seventh line. Section 4, strike out "is," at the end of second line, and insert "are."

Report received.

Also, upon H. B. No. 10 :

MR. SPEAKER: Your Judiciary Committee have had under consideration H. B. No. 10, "An Act relating to fires, and the protection of timber and grasses," and report the same back to the House, with the following amendments :

Section 1, seventh line, strike out "in," and insert "from." Eighth and ninth lines, strike out the words, "while using the same."

Report received.

Also, upon C. B. No. 7 :

MR. SPEAKER: Your Judiciary Committee, to whom was referred C. B. No. 7, "An Act providing for holding regular terms of the probate court of Deer Lodge county, at Phillipsburg, in said county, report that they have had the same under consideration, and report it back to the House without amendment, and recommend its passage.

Report received.

Also, upon H. B. No. 9 :

MR. SPEAKER: Your Judiciary Committee, to whom was referred H. B. No. 9, "An Act concerning stallions," have had the same under consideration, and report it back to the House, with the following amendments:

That all of the bill after the enacting clause be stricken out, and the following inserted in its place :

"SECTION 1. If any stallion, stud horse, ridgling, or any unaltered male mule or jackass over the age of two years be found running at large, the owner shall be fined for the first offense, ten dollars, and for each subsequent offense, not more than fifty, nor less than twenty-five dollars, to be recovered by civil action before a justice of the peace, in the name of any person who will prosecute for the same, one-half to his own use, and the other half to the county.

"SECTION 2. Any person may take up any such horse, mule, or jackass, found running at large, and if not claimed in five days, may castrate him ; such castration being performed in the usual manner, so that the life of the animal be endangered as little as possible.

"SECTION 3. This act to take effect and be in force from and after its passage."

G. W. STAPLETON,
Chairman Judiciary Committee.

The following communication was received from the Council :

That C. B. No. 13, "An Act providing for the admission of attorneys and counselors-at-law in the supreme court of the Territory," has passed.

C. C. MENAUGH, *Chief Clerk.*

The following notices were given of the introduction of bills:

By Mr. Stewart—"A Bill to amend an act entitled an act to provide for increased compensation to the officers in this Territory, approved December 6, 1867."

By Mr. Wentworth—"An Act to fix the rate of toll for grinding grain, and other purposes."

On motion, C. B. No. 13, "An Act providing for the admission of attorneys and counselors-at-law in the supreme court of the Territory," was taken up, read first and second time, rules suspended, read third time by its title, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donagan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Strickland, Wentworth, Wilson, and Mr. Speaker—24.

Nays—None.

Title agreed to.

The following communication was received from the Council, through Mr. Menaugh, their Chief Clerk:

That Mr. Rand gave notice of the introduction of "An Act for the formation of corporations for certain purposes."

Also, that Mr. Rand introduced C. B. No. 12, "An Act to amend an act entitled an act to provide increased compensation to officers in this Territory, approved January 24, 1865."

H. B. No. 8, "An Act creating the office of clerk of the probate court," was taken up, the amendments reported by the Judiciary Committee, adopted. Bill adopted as amended, and ordered engrossed for third reading.

H. B. No. 9, "An Act concerning stallions," was taken up, with amendments. Bill adopted as amended, and ordered engrossed for third reading.

H. B. No. 10, "An Act in relation to fires, and the protection of timber and grasses," with amendments. Bill adopted as amended, and ordered engrossed for third reading.

C. B. No. 7, "An Act to repeal an act providing for holding regular terms of the probate court of Deer Lodge county, at Phillipsburg, in said county," was taken up, the report of the committee adopted, rules suspended, bill read the third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—24.

The title was then agreed to.

On motion of Mr. Cooper, the vote by which the divorce resolution was passed was reconsidered.

Mr. Comly moved to lay the resolution on the table.

On motion of Mr. Wilson, the resolution was indefinitely postponed.

The following communication was received from the Council, through Mr. Menough, Chief Clerk :

That the following committee has been appointed by the Council, to act in conjunction with a like committee from the House, to report a revenue law, viz.: Messrs. Cullen, George, and Watson.

The chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER : The Committee of the Whole, having had under consideration H. B. No. 5, "An Act to repeal an act entitled an act relating to the discovery and possessory right of all placer mines," would report progress, and recommend the passage of the bill, with the amendments suggested by the Committee on Mines and Minerals.

J. McLAUGHLIN, *Chairman*.

On motion of Mr. Comly, the recommendation of the Committee of the Whole was adopted as to the report of the Committee on Mines and Minerals. The amendments were adopted, bill adopted as amended, and ordered engrossed for third reading.

The House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Comly was called to the chair.

Mr. Stapleton, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER: Your Judiciary Committee have had under consideration C. B. No. 10, "An Act to amend an act entitled an act to incorporate the town of Montana, in Beaver Head county, Montana Territory, and to change the name thereof," and report it back to the House, with the recommendation that it pass.

G. W. STAPLETON, *Chairman*.

Report received.

Mr. Sweeney, chairman of Committee on Education, reported:

MR. SPEAKER: Your Committee on Education, to whom was referred H. B. No. 2, respectfully report that they have had the same under consideration, and recommend that the accompanying substitute be adopted in place of the bill.

J. M. SWEENEY, *Chairman*.

Report received.

Mr. McLaughlin introduced the following resolution, which was adopted:

Resolved, By the House, that the rules be suspended, and the Hon. Mr. Kerly be added to the Committee on Mines and Minerals, for the special purpose of reporting to this House, at as early a day as possible, "A bill relating to quartz mining."

The following communication was received from the Council, through their Chief Clerk, Mr. Menaugh:

That the Council has concurred in the amendment of the House to C. B. No. 1, "An Act to repeal an act to re-enact an act to incorporate the El Dorado and Diamond City Wagon Road Company," and that C. B. No. 4, "An Act to repeal an act in relation to trout fishing," has been rejected by the Council.

On motion of Mr. Alexander, H. B. No. 2, "An Act for the relief of Hot Spring School District, in Madison county," was taken up, the substitute reported by the Committee on Education was adopted, and on motion of Mr. McLaughlin, the rules were suspended, the bill considered engrossed, read third time, and passed by the following vote :

Ayes — Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—22.

Nays—None.

Absent—Mr. Lowry, and Mr. Speaker.

Title agreed to.

On motion of Mr. Stapleton, C. B. No. 10, "An Act to amend an act entitled an act to incorporate the town of Montana in Beaver Head county, and to change the name thereof," was taken up, rules suspended, bill read third time, by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—23.

Nays—None.

Absent—Mr. Speaker.

Title agreed to.

C. B. No. 4, "An Act to amend an act in relation to jurors," was taken up, read first and second time.

Mr. Kerly offered the following amendment :

That the word "white" be added after the word "hundred," and before "persons."

On motion of Mr. Ellis, the bill, with amendments, was referred to the Judiciary Committee.

By leave, Mr. Wentworth introduced H. B. No. 11, "An Act regulating the rates of toll for grinding grain, and for other purposes."

Read first and second time, and referred to the Committee on Agriculture.

By leave, Mr. Kerly introduced H. J. R. No. 1, appropriating one dollar to buy nails. Read first and second time, and amended by striking out the words "one dollar," and inserting "fifty cents."

The resolution was then, on motion of Mr. Ellis, referred to the Committee on Indian Affairs.

On motion of Mr. Stapleton, the House adjourned until 10 o'clock A. M. on Monday.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

EIGHTH DAY.

DECEMBER 14, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Absent, Mr. Findlay.

Minutes of Saturday read and approved.

Mr. Stapleton, chairman of the Judiciary Committee, reported as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred C. B. No. 4, "An Act to amend an act entitled an act concerning jurors, approved Nov. 20, 1867," have had the same under consideration, and report it back to the House, with the recommendation that it do not pass.

G. W. STAPLETON, *Chairman.*

Report received.

Mr. Lowry, chairman of the Committee on Indian Affairs, reported as follows:

MR. SPEAKER—Your Committee on Indian Affairs, to whom was referred H. J. R. No. 1, have had the same under consideration, and beg leave to report as follows: That in view of the heavy draft that has already been made by the Assembly upon the treasury of this Territory, and that the territorial indebtedness is already considerable, and in view of the further fact that the government of the United States has only appropriated the trifling sum of twenty thousand dollars (\$20,000), which amount was erroneously supposed to be sufficient to provide for the wants, comfort and convenience of this body, and that the proper authorities seem to be unable, on the strength of that appropriation, to negotiate the heavy expenditure required by the resolution under consideration, we recommend the adoption of the following substitute:

That the Sergeant-at-Arms be and he is hereby authorized and requested to obtain the required amount or number of nails, by drawing them out of some unoccupied and unclaimed house in the city of Virginia.

All of which is respectfully submitted.

M. P. LOWRY, *Chairman*.

Report received.

Mr. Kerly, chairman of the Committee on Printing, reported as follows:

MR. SPEAKER—Your Committee, to whom was referred H. B. No. 7, "An Act in relation to charges for the publication of legal documents," having had the same under consideration, would respectfully report the same back to the House, and recommend the accompanying substitute for the original bill.

J. C. KERLY, *Chairman*.

Report received.

Mr. Ellis gave the following notice:

MR. SPEAKER—I hereby give notice, that I will, on to-morrow or some other day, introduce "A Bill to establish a territorial insane asylum for the Territory of Montana."

J. M. ELLIS.

Previous notice having been given, the following bills were introduced :

By Mr. Higley—H. B. No. 12, "An Act for the compensation of William Berkins, for services rendered the Territory."

Read first and second time, and referred to the Committee on Ways and Means.

By Mr. Ellis—H. B. No. 13, "An Act to amend an act providing for the payment of jurors, witnesses, and officers of Montana Territory."

Read first and second time, and referred to Committee on Judiciary.

By Mr. Comly—H. B. No. 14, "An Act to amend an act entitled an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory."

Read first and second time, and referred to Committee on Printing.

By Mr. Wentworth—H. B. No. 15, "An Act to amend an act to authorize the county commissioners of Missoula county to levy a tax for bridge purposes."

Read first and second time, and referred to the Committee on Internal Improvements.

By Mr. Stewart—H. B. No. 16, "An Act to amend an act providing increased compensation of officers of this Territory."

Read first and second time, and referred to the Committee on the Judiciary.

Also, H. B. No. 17, "An Act for the relief of A. M. S. Carpenter."

Read first and second time, and referred to the Committee on the Judiciary.

On motion of Mr. Wentworth, the following resolution was adopted :

Resolved, That this House dispense with the office of post carrier.

On motion of Mr. Donegan, H. J. R. No. 1, with the report of the Committee on Indian Affairs, was indefinitely postponed.

On motion of Mr. Brison, the substitute for H. B. No. 7 was adopted.

The Committee on Engrossment reported H. B. No. 9, "An Act concerning stallions," correctly engrossed.

Report received.

The following communication was received from the Council :

That C. J. M. No. 1, Asking Congress for an appropriation for a national road, leading from Fort Benton to the navigable waters of Columbia river, has passed the Council.

That Mr. Dance introduced C. B. No. 15, "An Act to amend Sec. 219 of the civil practice act, approved Dec. 23, 1867."

That Mr. Bagg introduced C. B. No. 16, "An Act to amend an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory."

That Mr. Rand introduced C. B. No. 17, "An Act to require the commissioners of Missoula county to provide offices for the officers of said county."

C. C. MENAUGH, *Chief Clerk.*

H. B. No. 9, "An Act concerning stallions," was taken up, and on motion of Mr. Stewart, the rules were suspended, bill read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Stapleton, Stewart, Strickland, Sweeney, and Wentworth—17.

Nays—Messrs. Ellis, Estis, Shafer, Wilson, and Mr. Speaker—5.

Absent, Messrs. Lowry, and Findlay.

Title agreed to.

On motion of Mr. Donegan, H. B. No. 7, "An Act to amend an act to provide for and regulate the charge for the publication of legal documents," was made the special order for Tuesday, Dec. 15, 1868, at 11 o'clock, A. M.

On motion of Mr. Comly, the report of the Committee on the Judiciary on C. B. No. 4, was adopted.

On motion of Mr. McLaughlin, C. B. No. 4 was referred to the Committee of the Whole, and made the special order for 2 o'clock this P. M.

Mr. Comly, chairman of the Engrossment Committee, reported H. B. No. 5, "An Act to repeal an act in relation to the discovery and possessory right of all placer mines," correctly engrossed.

Report received, and on motion of Mr. Stewart, the rules were suspended, bill read a third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Ellis, Estis, Hicks, Higley, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—19.

Nays—Messrs. Comly, Donegan, and Rhodes—3.

Absent, Messrs. Findlay, and Kerly.

The title was amended by striking out the words, "A Bill for."

Mr. Alexander gave notice, that he would, on some future day, introduce a bill reducing the compensation of county commissioners, and extending, in certain cases, their jurisdiction.

On motion, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

The hour having arrived at which C. B. No. 4 was made the special order, the House went into Committee of the Whole to consider the same. Mr. Barnes in the chair.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council :

That the President of the Council has appointed Messrs. Rand and George, Committee, on the part of the Council, to act with a like Committee from the House, whose duty it shall be to compare the enrolled with the engrossed bills passed, correct any errors therein, and make report thereof to their respective Houses, in compliance with Joint Rule No. 5.

C. C. MENAUGH, *Chief Clerk.*

Mr. Shafer introduced the following resolution :

Resolved, That we invite the Rt. Rev. Bishop Tuttle to act as Chaplain in this House, during his stay in Virginia City.

Which was rejected by the following vote :

Ayes—Messrs. Alexander, Barnes, Donegan, Higley, Kerly, Lowry, Rhodes, Shafer, Stewart, Strickland, and Wilson—11.

Nays—Messrs. Brison, Comly, Cooper, Ellis, Estis, Findlay, Hicks, McLaughlin, Powers, Stapleton, Sweeney, Wentworth, and Mr. Speaker—13.

The following communication was received from the Secretary :

SECRETARY'S OFFICE, Dec. 12, 1868.

To the Members of the House of Representatives :

In reply to your resolution in regard to stationery, newspapers and postage, I beg leave to state, for the information of your honorable body, that all necessary stationery will be supplied.

Members will please make requisition through the Sergeant-at-Arms of the House. Newspapers will be allowed each member to the amount of twelve dollars for the session. The room adjoining the Council Hall will be used as a Postoffice for both Houses. Members will please write their names upon such mail matter as they wish forwarded, and have it conveyed to the room above designated, by a Page or some officer of the House.

The room known as the El-Sol Hall will be used as a committee room, and for Engrossing and Enrolling Clerks.

I have the honor to be,

Very respectfully, your ob't serv't,

JAMES TUFTS,

Secretary of Montana.

The following report was made by Mr. Barnes, chairman of the Committee of the Whole, upon C. B. No. 4 :

MR. SPEAKER—The Committee of the Whole, to whom was referred C. B. No. 4, report progress, and recommend that the bill be referred to a select committee of five.

J. P. BARNES, *Chairman*

Report received and adopted—and Messrs. Stapleton, Stewart, Comly, McLaughlin, and Shafer, were appointed such committee.

C. J. M. No. 1, asking an appropriation for a national road, was taken up. Read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—22.

Nays—None.

Absent—Messrs. Higley, and Lowry.

Title agreed to.

Mr. Donegan gave notice that he would, at some future day, introduce "An Act to amend an act to re-enact the act to authorize Robert Hedges, Samuel Bressler, their heirs, assigns and associates, to construct and maintain a toll road from Virginia City, in Madison county, to Sterling, in Hot Spring District."

On motion of Mr. Alexander, the House adjourned to 10 o'clock, A. M., to-morrow morning.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

NINTH DAY.

DECEMBER 15, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—absent, Messrs. Higley and Shafer.

Minutes of yesterday read and approved.

Mr. Kerly asked leave to record his vote in the affirmative upon H. B. No. 5, "An Act in regard to placer mines," passed Dec. 14, 1868, which was refused.

Mr. Stewart was called to the chair.

Mr. Comly, chairman of the Committee on Engrossment, reported H. B. No. 8, correctly engrossed.

Report received.

Mr. Wentworth, chairman of the Committee on Agriculture, reported as follows:

MR. SPEAKER—Your Committee on Agriculture, to whom was referred H. B. No. 11, have had the same under consideration, and respectfully refer the same back to the House, and recommend that it be referred to the Committee of the Whole.

G. W. WENTWORTH, *Chairman.*

Report received.

Mr. Alexander reported as follows:

MR. SPEAKER—Your Committee on Internal Improvements, to whom was referred H. B. No. 15, have had the same under consideration, and would respectfully recommend that the same do pass.

R. D. ALEXANDER, *Chairman.*

Report received.

Mr. Stapleton reported as follows :

MR. SPEAKER—Your Committee to whom was referred C. B. No. 4, "An Act to amend an act entitled an act concerning jurors, approved Nov. 29, 1867," after carefully considering said bill, have instructed me to report (instead of the original,) the accompanying substitute, and recommend its adoption.

G. W. STAPLETON, *Chairman Select Committee.*

Report received.

Mr. Powers introduced H. B. No. 18, "An Act to amend an act in relation to executors and administrators."

Read first and second time, and ordered printed.

Mr. Wentworth introduced H. B. No. 19, "An Act in relation to public highways."

Read first and second time, and ordered printed.

Mr. Sweeney introduced H. B. No. 20, "An Act to amend an act entitled an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory."

Read first and second time, and referred to Printing Committee.

Mr. Donegan introduced H. B. No. 21, "An Act to amend an act to re-enact an act to authorize Samuel Bressler, Robert Hedges, their heirs, assigns and associates, to construct and maintain a toll road from Virginia City, in Madison county, to Sterling, in Hot Spring District."

Read first and second time, and referred to Committee on Incorporations.

Mr. Brison introduced H. J. R. No. 2, "For the relief of Thomas Church."

Read first and second time, and referred to Committee on Ways and Means.

The following communication was received from the Council :

That Mr. Rand has introduced C. B. No. 18, "An Act to amend an act to provide for the formation of corporations for certain purposes, approved Dec. 13, 1867."

That Mr. Davis introduced C. B. No. 19, "An Act to repeal an act entitled an act to provide extra compensation to the Secretary of Montana Territory."

That C. B. No. 12, "An Act to amend an act entitled an act to provide increased compensation to officers of this Territory, approved Jan. 24, 1865," has been indefinitely postponed.

C. C. MENAUGH, *Chief Clerk.*

House Bill No. 8 was taken up, and, on motion of Mr. Comly, the vote by which the bill passed to third reading was reconsidered.

And, on motion of Mr. McLaughlin, the bill was referred to a committee of five. Messrs. McLaughlin, Ellis, Comly, Wilson, and Cooper, were appointed such committee.

The hour having arrived for which H. B. No. 7 was made the special order, the House resolved itself into Committee of the Whole. Mr. Donegan in the chair.

House resumed. Mr. Speaker in the chair.

The following communication was received through Mr. Menaugh, Chief Clerk of the Council :

That H. B. No. 2, "An Act for the relief of Hot Spring School District in Madison county," has passed the Council.

On motion, the House took a recess until 2 o'clock, P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

Mr. Donegan reported :

MR. SPEAKER—Your Committee of the Whole, to whom was referred H. B. No. 7, "An Act relating to the printing of legal documents," beg leave to report the bill back to the House, with a recommendation that the bill, with all the amendments proposed, be referred to a select committee of three.

JOHN DONEGAN, *Chairman.*

Report received, adopted, and the following committee appointed: Messrs. Stewart, Donegan, and McLaughlin.

Mr. Comly, chairman of the Committee on Engrossment, reported H. B. No. 11, correctly engrossed.

Report received.

The Committee on Incorporations, to whom was referred H. B. No. 21, reported as follows:

MR. SPEAKER—Your Committee, to whom was referred H. B. No. 21, beg leave to report favorably upon the same, and recommend that it do pass.

A. W. BRISON, *Chairman.*

Report received.

Mr. Kerly, chairman of the Committee on Printing, reported H. B. No. 14, correctly printed.

Report received.

Mr. Menaugh, Chief Clerk of the Council, communicated to the House that C. B. No. 17 had passed the Council.

H. B. No. 21 was taken up, and recommitted to the Committee on Incorporations.

H. B. No. 15, "An Act to amend an act to authorize the county commissioners of Missoula county to levy a tax for bridge purposes," was taken up, rules suspended, bill read third time by title, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Absent—Mr. Findlay.

Title agreed to.

Previous notice having been given, Mr. Stapleton introduced H. B. No. 22, "An Act to amend an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory."

Read first and second time, and referred to Committee on Printing.

H. B. No. 14, on motion, was referred to the Committee on the Judiciary.

On motion of Mr. Wentworth, the House went into Committee of the Whole to consider H. B. No. 11. Mr. Stewart in the chair.

House resumed. Mr. Speaker in the chair.

On motion, the chairman of the Committee of the Whole was granted time to report.

C. B. No. 4 was taken up, and, on motion of Mr. Stewart, the Select Committee was granted leave to withdraw their report to amend the same.

The following communication was received from the Secretary of State, of Oregon :

STATE OF OREGON,
DEPARTMENT OF STATE. }

To all to whom these presents shall come—Greeting :

"I certify that annexed is a true copy of Senate Joint Resolution No. 11, relating to the repeal of certain laws of taxation in the Territories of Idaho and Montana, as taken from the original rolls on file in this office.

"In testimony whereof, I, Samuel E. May, Secretary of State, of the State of Oregon, have hereunto subscribed my name, and affixed the seal of the State.

"Done at Salem, this 20th day of November, A. D. 1868.

SAMUEL E. MAY,

[SEAL]

Secretary of State.

"SENATE JOINT RESOLUTION, No. 11,

Requesting the repeal of certain laws of taxation in Idaho and Montana Territories.

"Whereas the laws of Idaho and Montana Territories subject all property of other States in transit through said Territories, to a heavy taxation, contrary to the constitution of the United States and the laws of Congress relating to the rights of citizens of the several States; and whereas, a great number of the citizens of

Eastern Oregon are engaged in freighting from the Columbia river to different points in said Territories, who, having paid their taxes in Oregon, are compelled to pay a heavy tax on the same to Idaho and Montana Territories ; therefore

"Be it resolved, By the Legislative Assembly of the State of Oregon, that their Excellencies the Governors of said Territories be requested to present this subject to the consideration of the Legislative Assemblies of said Territories, and that said Legislatures be respectfully solicited to repeal all of such laws, and that the Governor of Oregon is hereby requested to forward copies of this resolution to the Governors and General Assemblies of said Territories.

"Adopted by the House, October 5, 1868.

"JOHN WHITAKER, *Speaker.*

"Adopted by the Senate, September 25, 1868.

"B. F. BURCH, *President.*"

On motion, the communication was referred to the Committee on Federal Relations.

Mr. Stewart, chairman of the Committee of the Whole, reported :

MR. SPEAKER—The Committee of the Whole have had under consideration H. B. No. 11, and beg leave to report the same back to the House, with the recommendation that the same do not pass.

W. STEWART, *Chairman.*

Report received and adopted.

On motion of Mr. Stewart, H. B. No. 11, "An Act to fix the rate of toll for grinding grain, and for other purposes," was taken up, the rules suspended, bill read third time by title, and lost by the following vote :

Ayes—Mr. Wentworth—1.

Nays—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stewart, Stapleton, Strickland, Wilson, and Mr. Speaker—20.

Absent—Messrs. Findlay, Kerly, and Sweeney.

On motion, the House adjourned until to-morrow morning at 10 o'clock.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

TENTH DAY.

DECEMBER 16, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Ellis submitted the following report :

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 11, from the State of Oregon, beg leave to report that we have carefully examined and considered the same, and find that while the grievances complained of therein may be correct as to Idaho Territory, we can, as to ourselves, disclaim any cause of complaint on the part of our Oregon neighbors.

First, claiming, as we rightfully are loyal citizens, obeying the behest and the laws of our national government, we should deplore to find that we have, for the short period of our political existence, been guilty of having enacted laws that are contrary to the laws of the United States, in abridging the just rights of our fellow citizens from any portion of our national domain, but

more especially of citizens of Oregon, for whom it has ever been our pleasure to entertain the best wishes.

Secondly, your Committee respectfully represent that, after a careful examination of our laws, we find on page 237, section 10, of "An Act concerning licenses," that the heavy taxation complained of, is only confined to the sum of fifty cents on every loaded pack animal coming into the Territory, which barely pays for the benefit afforded them in passing over our roads and bridges built by the Territory or counties at heavy expense, which are free from toll.

We commend the spirit of our Oregon law makers in advocating self-preservation as the duty of nature, yet your Committee is of the opinion that the same principle should be permitted to be practiced in our own Territory, so young, and in need of revenue.

Our merchants and dealers are all required to pay an ad valorem and license tax; whereas the frontier citizens of Oregon find a profitable and ready market in our Territory for all they bring, at the nominal taxation of only fifty cents for each loaded pack animal, which, in the opinion of your Committee, is not so onerous a tax as to warrant so grave a protest.

As to the allegation that they are compelled to pay a tax on property in transit, that is entirely a mistake, and undoubtedly exaggerated to the Oregon legislature.

In view of the reasons thus assigned, your Committee is of the opinion that Oregon will acknowledge our liberality, and gracefully acquiesce, and concede the justness of our position. Claiming that our law regarding the tax alluded to is just, and mindful of our duty, we cannot, with any degree of consistency, recommend the repeal of the same.

Respectfully submitted.

J. M. ELLIS, *Chairman.*

Report received.

Mr. Stapleton, chairman of the Judiciary Committee, to whom was referred H. B. No. 13, "An Act to amend an act providing for the payment of jurors, witnesses and officers in Montana Territory," reported the same back, with a recommendation that it be considered in Committee of the Whole.

Report received.

Also, that the Committee have had under consideration H. B. No. 14, "An Act to amend an act to regulate proceedings in civil cases, in the courts of justice in Montana Territory," and report the same back, and recommend its passage.

Report received.

Also, as follows, upon H. B. No. 17, "An Act for the relief of A. M. S. Carpenter :"

After carefully informing themselves of the demand, and examining the books of the Territorial Treasurer, are perfectly satisfied that the said Carpenter has received as much for his services as he was justly entitled to. Your Committee also find that the said Carpenter was acting in the capacity of Treasurer of Choteau county, during the same time that he claims pay from this Territory for his services as Superintendent of Public Instruction, and that the only work or service he performed for the Territory was to make out a short report, as such Superintendent, for which he received the sum of one hundred and twenty-five dollars. Your Committee, therefore, report said bill back to the House, with the recommendation that the further consideration thereof be indefinitely postponed.

G. W. STAPLETON,
Chairman Judiciary Committee.

Report received.

Mr. Kerly, chairman of the Printing Committee, reported H. B. Nos. 18, 19, 20 and 22, correctly printed.

Report received.

Mr. Stewart reported as follows :

MR. SPEAKER—Your Special Committee, to whom was referred H. B. No. 7, beg leave to report that they have carefully considered the same, and find the law in regard to the publication of legal documents, now upon our statute books, sufficient to meet the wants of the people of this Territory, without amendments.

I am, therefore, instructed, as chairman of said committee, to report the bill back to the House, together with the amendments thereto, and recommend that the same do not pass.

W. STEWART, *Chairman.*

Report received.

Mr. McLaughlin reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred H. B. No. 8, have had the same under consideration, and with the accompanying amendments proposed by your Committee, would recommend the passage of the bill.

It is the opinion of your Committee that the passage of this act is absolutely necessary, from the fact that in many instances, where in counties there may be considerable business to transact in the probate court, the judges thereof may of necessity be compelled to be absent from their places of business.

In this instance your Committee deem it highly important that there should be a clerk to transact any business that may come up in said court during the absence of the judge.

J. McLAUGHLIN, *Chairman.*

Report received.

The following notices were given of the introduction of bills:

By Mr. Hicks—"A Bill to amend the punctuation of an act concerning limitations."

By Mr. Barnes—"A Bill to provide compensation for W. M. Couch, for transporting arms and munitions of war."

By Mr. Hicks—"A Bill to amend an act to regulate proceedings in civil cases, in the courts of justice in Montana Territory."

Mr. Higley introduced H. B. No. 23, "An Act to prevent the unlawful driving away of cattle and other stock by drovers and others."

Read first and second time, and referred to Committee on Printing.

On motion of Mr. McLaughlin, the following resolution was adopted:

Resolved, By the House of Representatives, that a committee of two members of this House be appointed to wait upon the Secretary of the Territory, and request him to furnish the members of this House with the amount of postage stamps allowed each member of this House, as the members do not wish to send any of their letters through any post office that may be established by the Secretary of the Territory, and it is the desire of this House

that the committee wait upon the Secretary forthwith, and present to him a copy of this resolution.

Messrs. McLaughlin and Donegan were appointed such committee.

Mr. Donegan introduced H. J. M. No. 1, "In relation to establishing a branch mint in Montana."

Read first and second time, and referred to Committee on Printing.

H. B. No. 10, "An Act relating to fires, and the protection of timber and grasses," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Ellis, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—19.

Nays—None.

Absent—Donegan, Estis, Findlay, Lowry, and Mr. Speaker.

Title agreed to.

The following communication was received from the Council :

That a petition has been presented to the Council, directed to the Legislative Assembly of the Territory, signed by 225 citizens of Deer Lodge county, asking that the Capital of Montana be located at Deer Lodge City, in Deer Lodge county.

That Mr. Rand introduced C. B. No. 20, "An Act to declare the Military or Mullen road a public highway."

C. C. MENAUGH, *Chief Clerk*.

On motion of Mr. McLaughlin, H. B. No. 8 was taken up, the amendments of the Select Committee adopted, bill adopted as amended, and ordered engrossed.

On motion of Mr. Mayhew, the House took a recess until 2 o'clock P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

On motion of Mr. Comly, H. B. No. 18 was referred to the Committee on Judiciary.

H. B. No. 14, "An Act to amend an act entitled an act to regulate proceedings in civil cases, in the courts of justice of the Territory of Montana," was taken up, the rules suspended, bill read third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—19.

Nays—None.

Absent—Messrs. Estis, Findlay, Lowry, and Shafer.

Excused—Mr. Ellis.

Title of the bill was agreed to.

H. B. No. 22, and H. B. No. 22, were, on motion, referred to the Committee on the Judiciary.

On motion, H. B. No. 19 was referred to the Committee on Roads and Highways.

Mr. Menaugh, Chief Clerk to the Council, communicated to the House,

That C. B. No. 15 had passed the Council.

H. B. No. 17, "An Act for the relief of A. M. S. Carpenter," was taken up, rules suspended, read third time, and lost by the following vote :

Ayes—Messrs. Brison, Donegan, Stewart, and Mr. Speaker—4.

Nays—Messrs. Alexander, Comly, Cooper, Ellis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Stapleton, Strickland, Sweeney, Wentworth, and Wilson—16.

Absent—Messrs. Estis, Findlay, and Shafer.

Excused—Mr. Barnes.

A call of the House was made. Absent—Messrs. Comly, Findlay, Lowry, Shafer, and Sweeney.

The Sergeant-at-Arms returned with absent members.

On motion of Mr. Comly, the House went into Committee of the Whole to consider H. B. No. 13. Mr. Comly in the chair.

House resumed. Mr. Speaker in the chair.

H. B. No. 7, "An Act to amend an act to provide for and regulate charges for the publication of legal documents," was taken up. Rules suspended, bill read third time by title, and lost by the following vote :

Ayes—Mr. Wilson, and Mr. Speaker—2.

Nays—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donagan, Ellis, Hicks, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Strickland, Sweeney, and Wentworth—17.

Absent—Estis, Findlay, Higley, Lowry, and Stewart.

Mr. Comly, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole, to whom was referred H. B. No. 13, respectfully report that they have had the same under consideration, and recommend that it do not pass.

Report received and adopted.

H. B. No. 13, "An Act providing for the payment of officers, jurors and witnesses in Montana Territory," was taken up, rules suspended, bill read third time, and lost by the following vote :

Aye—Mr. Ellis—1.

Nays—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donagan, Hicks, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—18.

Absent—Estis, Findlay, Higley, Lowry, and Stewart.

On motion of Mr. Wilson, the House adjourned until to-morrow morning at 10 o'clock.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

ELEVENTH DAY.

DECEMBER 17, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

The following communication was received from the Council, through Mr. Menaugh, Chief Clerk :

“That the Council had passed a concurrent resolution asking the Governor to return C. B. No. 10, for amendments.”

Mr. Stapleton, chairman of the Judiciary Committee, to whom was referred H. B. No. 18, reported the same back to the House, with a recommendation that it pass.

Report received.

Mr. Comly, chairman of the Committee on Engrossment, reported H. B. No. 8 correctly engrossed.

Report received.

Mr. Kerly, chairman of the Committee on Printing, reported H. B. No. 23, H. J. M. No. 1, and “Report of Committee on Federal Relations,” correctly printed.

Report received.

Mr. Brison, chairman of the Committee on Incorporations, reported as follows :

MR. SPEAKER—Your Committee on Incorporations, to whom was referred H. B. No. 21, beg leave to report the bill back to the House, and recommend the adoption of the accompanying substitute.

Report received.

Mr. Stapleton, reported as follows :

MR. SPEAKER—Your Select Committee, to whom was referred C. B. No. 4, "An Act to amend an act concerning jurors, approved Nov. 29, 1867," have had the same under consideration, and respectfully report the same back to the House, with the following report :

That while the passage of the bill would, beyond doubt, greatly benefit the county of Deer Lodge, and possibly some other counties in this Territory, your Committee are fully satisfied, after consulting different members of this body from the several counties of the Territory, and from other sources of information within their reach, that the passing of this bill would result most injuriously to the interest of most of the counties of this Territory. That it would entail great and unnecessary expense upon the less populous and poorer portions of the country ; but your Committee, mindful of, and wishing to promote the interests of the different sections of the country, when it can be done without greatly injuring other portions equally entitled to the consideration of this body, submit herewith, a substitute for the original bill, and recommend its adoption by the House, believing that this will be the means of reconciling conflicting interests, and meet the wants and demands of different portions of our Territory.

G. W. STAPLETON, *Chairman Judiciary Committee.*

Report received.

Mr. Comly introduced H. J. M. No. 2, asking an appropriation of \$1,100,000, from Congress, to pay citizens of Montana, for materials furnished the government during the Indian war of 1867.

Read first and second time, rules suspended, read third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Strickland, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Absent—Mr. Estis.

Title agreed to.

C. B. No. 17 was taken up, read first and second time, and referred to the Committee on Judiciary.

The House concurred in Council resolution, asking the Governor to return, for amendment, Council Bill No. 10.

H. B. No. 8, "An Act creating the office of clerk of the probate court," was taken up, read first and second time, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Findlay, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Strickland, Sweeney, Wentworth, and Wilson—18.

Nays—Messrs. Brison, Kerly, Stewart, and Mr. Speaker—4.

Absent—Messrs. Estis and Hicks.

Title agreed to.

H. B. No. 18 was referred to Committee of the Whole, and made the special order for 2½ o'clock, P. M.

The report of the Committee on H. B. No. 21, "An Act to amend an act to re-enact an act to authorize Samuel Bressler, Robert Hedges, their heirs, assigns and associates, to construct and maintain a toll road from Virginia City to Sterling," was adopted.

Rules suspended, bill read third time by title, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Findlay, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, and Wilson—18.

Nays—Messrs. Ellis, Rhodes, Wentworth, and Mr. Speaker—4.

Absent—Messrs. Estis and Hicks.

Title agreed to.

H. J. M. No. 1, asking Congress to establish a Branch Mint in Montana, was taken up, read first and second time.

Rules suspended, read third time by title, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Findlay, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stewart, Stapleton, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—22.

Ayes—None.

Absent—Messrs. Estis and Hicks.

Title agreed to.

C. B. No. 4 was, on motion of Mr. Kerly, made the special order for 3 o'clock this P. M.

The report of the Committee on Federal Relations, on the Oregon resolution, was adopted.

On motion, H. B. No. 23 was referred to the Committee on Agriculture.

Mr. Hicks introduced H. B. No. 24, "An Act to amend an act to regulate proceedings in civil cases, in the courts of justice of the Territory of Montana."

Read first and second time, and ordered printed.

Mr. Comly offered the following resolution :

Resolved, That a joint committee of three from the House, be appointed to confer with a like number from the Council, to take into consideration the communication made by the Legislature of Oregon to this Legislature.

Which was adopted, and Messrs. Ellis, Stewart and Hicks appointed such a committee on the part of the House.

On motion of Mr. Stewart, the House took a recess until 2 P. M.

House resumed. Mr. Stewart in the chair.

Quorum present.

The chairman of the Judiciary Committee, Mr. Stapleton, reported that the committee to whom was referred H. B. No. 18, had instructed him to report the same back to the House without amendment, and recommend its consideration in the Committee of the Whole.

Report received.

Mr. Stapleton, chairman of the Judiciary Committee, reported as follows :

MR. SPEAKER—Your Judiciary Committee to whom was referred H. B. No. 20, "An Act to amend an act entitled an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory," have had the same under consideration, and beg leave to report—

That while they are aware that the reform or change therein proposed to our law, in relation to trial by jury, is an innovation on the time-honored practice and principles of the common law, which would not be wise or expedient in the old settled States of the Union, yet, taking into consideration the fact that owing to the peculiarities of a newly settled country, it is often very difficult to procure the attendance of a jury, and that the cost to litigants is enormous, they deem the act a good and wise one, as it will secure the decision of the jury in all cases, thereby obviating the necessity (which often occurs) of dismissing one jury, after keeping them sitting in a case for three or four days at great expense to the parties to the action, or to the county, and summoning another, as liable as the first to disagree. Also, taking into consideration the fact, that the old law puts into the hands of one juror, whether foolish or wise, honest or dishonest, the power to effectually counterbalance and neutralize the opinion or decision of eleven of his co-jurors. Your Committee deem it but wise and just that the concurrence of three-fourths of any jury should prevail against and overcome the feeble opposition and presumptuous protest of one-fourth. Your Committee also learn, the proposed law is not new, and will not for the first time be applied to our Territory, but that in the State of Nevada and elsewhere, it has proved most beneficial, and worked great good.

Your Committee recommend the passage of the bill.

G. W. STAPLETON, *Chairman Judiciary Com.*

Report received.

Mr. Cooper, chairman of the Committee on Roads and Highways, reported H. B. No. 19 back to the House, with amendments.

Report received.

Mr. Higley gave notice of the introduction at some future day, of "A Bill to legalize the district records of Jefferson county."

The report of the Judiciary Committee on H. B. No. 20, "An Act to amend an act to regulate proceedings in civil cases, in the courts of justice of the Territory of Montana," was adopted.

The bill was then read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—19.

Nays—Messrs. Brison, Hicks, and Kerly—3.

Absent—Mr. McLaughlin, and Mr. Speaker.

Title agreed to.

H. B. No. 19, with amendments, was taken up and referred to a Select Committee of three.

Messrs. Ellis, Higley and Estis were appointed such committee.

The hour for which H. B. No. 18 was made the special order having arrived, the House went into Committee of the Whole, to consider the same. Mr. Comly in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Comly, chairman of the Committee of the Whole, to whom was referred H. B. No. 18, reported that they had had the same under consideration, and asked leave to sit again.

On motion of Mr. Donegan, the House adjourned until tomorrow at 10 o'clock, A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

TWELFTH DAY.

DECEMBER 18, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—absent, Mr. Findlay.

Minutes of yesterday read and approved.

Mr. Alexander, chairman of the Committee on Enrollment, reported H. B. No. 2, and H. B. No. 15, correctly enrolled.

Report received.

The Speaker appointed Messrs. Alexander and Comly on the Committee on Enrollment, in pursuance of joint rule No. 5.

Mr. Stapleton, chairman of Judiciary Committee reported Council Bill No. 17 back to the House without amendment, for the consideration of the House.

Report received.

Mr. Kerly, chairman of the Committee on Printing, reported H. B. No. 24 correctly printed.

Mr. Stapleton, chairman of Judiciary Committee, reported H. B. No. 22 back to the House, with a recommendation that the same do not pass, for the reason that the present law provides sufficient means of attaching real property, both agricultural and mineral, without further amendment.

Report received.

Mr. Wentworth, chairman of the Committee on Agriculture, reported H. B. No. 23 back to the House, with amendments.

Report received.

The following notices were given of the introduction of bills :

By Mr. Hicks—A Bill to amend “An Act entitled an act supplementary to an act entitled an act regulating the holding of elections in Montana Territory, approved Nov. 22, 1867.”

By Mr. Lowry, “An Act concerning boats.”

Previous notice having been given, Mr. Barnes introduced H. B. No. 25, “An Act to provide for the compensation of W. M. Couch, for services rendered the Territory of Montana.”

Read first and second time.

Mr. Barnes offered the following resolution :

Resolved, That H. B. No. 25 be referred to the Committee on Judiciary, with instructions to summon witnesses and take testimony under oath in regard to matters touching said bill, and make report to this House of all such testimony and matter relating to the same.

Which resolution was lost by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Estis, Findlay, Kerly, Higley, Lowry, and Stewart—12.

Nays—Messrs. Comly, Hicks, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—12.

The bill was referred to the Committee on Ways and Means.

Previous notice having been given, Mr. Higley introduced H. B. No. 26, “An Act to legalize the district records of Jefferson county.”

Read first and second time, and referred to the Judiciary Committee.

H. B. No. 16 was ordered printed.

The House went into Committee of the Whole, for the further consideration of H. B. No. 18. Mr. Comly in the chair.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council :

That Mr. Edwards introduced Council Bill No. 22, “An Act concerning swine.”

That Mr. Watson introduced Council Bill No. 23, "An Act authorizing county clerks to administer oaths, and for other purposes."

Also, that the Council has instructed me to return to the House the resolution in relation to appointing a joint committee to take into consideration the Oregon communication, and inform your honorable body that they cannot entertain the same, unless it be a joint resolution.

C. C. MENAUGH, *Chief Clerk.*

On motion of Mr. Stapleton, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

The following communication was received from the Council :

That C. B. No. 10, "An Act to amend an act to incorporate the town of Montana, in Beaver Head county, Montana Territory, and to change the name thereof," has been reported back to the Council, by His Excellency the Acting Governor, in compliance with C. J. R. to that effect, and has been amended by the Council and passed.

Also, that Council Bill No. 3, "An Act to provide for the exemption of homesteads from forced sale upon execution or other final process," has passed the Council.

C. C. MENAUGH, *Chief Clerk.*

H. B. No. 23, "An Act to prevent the unlawful driving away of cattle and other stock, by drovers and others," was taken up. Rules suspended, bill read third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Lowry, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—24.

Nays—None.

Title agreed to.

On motion of Mr. Alexander, the vote by which H. B. No. 23 was passed, was reconsidered.

The vote by which the rules were suspended on H. B. No. 23, was reconsidered.

The report of the Committee on Agriculture was adopted.

Amendments adopted.

Bill adopted as amended, and ordered engrossed as amended.

Mr. Kerly, chairman of the Committee on Printing, reported H. B. No. 16 correctly printed.

Report received.

Mr. Comly, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—The Committee of the Whole, to whom was referred H. B. No. 18, "An Act to amend an act entitled an act in relation to executors and administrators," respectfully report the same back to the House, and recommend that the same pass with the following amendments, said amendments referring to the printed copy :

Amend section 3, by striking out all of line 4, after the word "him"—all of lines 5 and 6, and line 7 to the word "had," included.

Amend section 10, by inserting between the words "private" and "provided," in the third line, the word "sale."

Amend section 15 by striking out "the words," in the second line.

H. R. COMLY, *Chairman.*

Report received.

Amendments adopted.

Bill as amended adopted, and ordered engrossed for a third reading.

On motion, the report of the Judiciary Committee on House Bill No. 16 was adopted.

The following notices were given of the introduction of bills :

By Mr. Comly—" A Bill to amend an act to provide for the formation of corporations for certain purposes."

By Mr. Stapleton—" A Bill in relation to costs in civil cases."

Mr. Alexander offered the following resolution :

Resolved, That a vote of thanks by this body, be tendered the proprietors of the tri-weekly Democrat, and Daily Montana Post, for copies of their paper regularly furnished each member of the House up to this date.

Which was lost.

The House went into Committee of the Whole, to consider Council Bill No. 4, " An Act relating to jurors." Mr. Stapleton in the chair.

House resumed. Mr. Speaker in the chair.

The chairman of the Committee of the Whole was granted time to report.

On motion, the House adjourned until 10 A. M. to-morrow.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTEENTH DAY.

DECEMBER 19, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Stapleton, chairman, reported H. B. No. 26, back to the House, and recommended the following amendment :

Amend the title by striking out after "An Act," the words "entitled an act," and make it read as follows: "An Act to legalize the district records of Jefferson county."

Report received and adopted.

Also, H. B. No. 24, "An Act to amend an act entitled an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory," with a recommendation that the same do pass.

Report received.

Mr. Comly, chairman of the Committee on Engrossment, reported H. B. No. 18 and H. B. No. 23, correctly engrossed.

Report received.

Mr. Ellis, chairman of the Select Committee, to whom was referred H. B. No. 19, reported the same back, recommending the adoption of the following amendment to the amendment proposed to Section 1 :

"That in all cases when such petition is presented to the board of county commissioners of any county, they shall, prior to granting the same, cause a public notice thereof to be given by publication or otherwise, as they, the commissioners, may elect."

Report received.

Mr. Strickland gave notice of the introduction of a bill to amend "An Act relating to the discovery and possessory right of all placer mines, approved December 11, 1867."

Previous notice having been given, Mr. Hicks introduced H. B. No. 27, "An Act to amend an act supplementary to an act entitled an act amendatory of an act entitled an act regulating the holding of elections in Montana Territory, approved November 22, 1867."

Read first and second time, and referred to the Committee on Elections.

Previous notice having been given, Mr. Stapleton introduced H. B. No. 28, "An Act in relation to costs."

Read first and second time, and ordered printed.

Mr. Barnes offered the following resolution :

Resolved, That the Committee on Ways and Means, to whom was referred H. B. No. 25, be and are hereby instructed to take and reduce to writing any and all testimony and facts produced under oath, touching the said bill, and report the same to this House.

Adopted.

Mr. Stewart was called to the chair.

H. B. No. 23, "An Act to prevent the unlawful driving away of cattle and other stock by drovers and others," was taken up, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—22.

Nays—None.

Absent—Mr. Kerly, and Mr. Speaker.

Title agreed to.

The amendments to H. B. No. 26, "An Act to legalize the records of Jefferson county," were adopted. The bill adopted as amended, considered engrossed, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Wentworth, and Wilson—21.

Nays—None.

Absent—Messrs. Comly, Sweeney, and Mr. Speaker.

Title agreed to.

H. B. No. 18, "An Act to amend an act relating to executors and administrators," was taken up, rules suspended, read third time by title, and lost by the following vote :

Ayes—Messrs. Alexander, Estis, Powers, Stapleton, Wentworth, and Wilson—6.

Nays—Messrs. Barnes, Brison, Comly, Cooper, Donegan, Ellis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Rhodes, Shafer, Stewart, Strickland, and Sweeney—17.

Absent—Mr. Speaker.

The following communication was received from the Council :

That H. B. No. 5, "An Act entitled an act relating to the discovery and possessory right of all placer mines," has been indefinitely postponed by the Council.

C. C. MENAUGH, *Chief Clerk*.

On motion, the House took a recess until 2 o'clock P. M.

House resumed. Mr. Speaker in the chair.

Mr. Stapleton, chairman of the Committee of the Whole, made the following report :

MR. SPEAKER—The Committee of the Whole have had under consideration the substitute to C. B. No. 4, "An Act to amend an act entitled an act concerning jurors," and have instructed me to report it back to the House, with the recommendation that it pass with the accompanying amendments.

G. W. STAPLETON, *Chairman*.

Report received.

On motion of Mr. McLaughlin, the amendments with the bill were adopted.

Mr. McLaughlin moved to adjourn. Lost.

H. B. No. 19, "An Act in relation to public highways," was taken up, and the report of the Select Committee, with amendments, was adopted.

The bill was then adopted as amended, and ordered engrossed for a third reading.

On motion of Mr. Strickland, the House adjourned until Monday, at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

FIFTEENTH DAY.

DECEMBER 21, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—absent, Mr. Findlay.

Minutes of Saturday read and approved.

Mr. Alexander presented a petition from thirty-two citizens of Lower Willow Creek and Jefferson Valley, asking the Legislature to change the boundary line between Gallatin and Jefferson counties, which was read, and referred to the Committee on Towns and Counties.

Mr. Powers, chairman of the Committee on Elections, reported H. B. No. 27 back to the House, recommending its passage.

Report received.

Mr. Comly, chairman of the Committee on Engrossment, reported H. B. No. 19 correctly engrossed.

Report received.

Mr. Sweeney offered the following resolution :

“Whereas, this House was in the early part of the session informed by the Hon. Secretary of the Territory that he would furnish such newspapers to this House, as the members of this House might select; and whereas, information has been received from the proprietors of the “*Rocky Mountain Gazette*” that no orders from the Secretary had been received relative to furnishing the House with the number of papers of that journal selected by the members; now therefore,

Resolved, That a Select Committee of three be appointed to inquire into the matter, and report as soon as possible to the House,”

Which was, on motion, adopted, and Messrs. Sweeney, Comly, and Wilson, were appointed upon such committee.

Previous notice having been given, Mr. Comly introduced H. B. No. 29, “An Act to amend an act to provide for the formation of corporations for certain purposes.”

Read first and second time, and referred to Committee on Incorporations.

The House concurred in the Council amendment to C. B. No. 0.

C. B. No. 3, “An Act to provide for the exemption of homesteads from forced sale under execution or other final process,” was read first and second time, and referred to the Judiciary Committee.

On motion of Mr. Stewart, H. B. No. 19, “An Act in relation to public highways,” was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Estis, Kerly, Rhodes, Shafer, Stapleton, Sweeney, Wentworth, Wilson, and Mr. Speaker—15.

Nays—Messrs. Brison, Hicks, Higley, Lowry, McLaughlin, Powers, Stewart, and Strickland—8.

Absent—Mr. Findlay.

Title agreed to.

Mr. Kerly, chairman of the Committee on Printing, reported H. B. No. 28 correctly printed.

H. B. No. 28 was referred to Judiciary Committee.

On motion of Mr. Ellis, the Governor's message was made the special order for half past 2 o'clock this P. M., to be considered in Committee of the Whole.

The following communication was received from the Council :

That Mr. Dance has presented a petition directed to the Legislative Assembly of the Territory, signed by sixty-five citizens of Deer Lodge and Missoula counties, asking that the capital of the Territory be located at Deer Lodge City, in Deer Lodge county.

That C. B. No. 21, "An Act to amend an act relating to the discovery and possessory right of placer mines," has passed the Council.

That Mr. Edwards introduced C. B. No. 24, "An Act to amend an act creating certain officers in the Territory of Montana, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies, approved November 16, 1867."

C. C. MENAUGH, *Chief Clerk.*

H. B. No. 16 was taken up, and, on motion, was referred to the Committee on Ways and Means.

H. B. No. 24, "An Act to amend an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory," was taken up, rules suspended, bill read third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donagan, Ellis, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Absent—Mr. Findlay.

Title agreed to.

H. B. No. 27 was read for information.

Mr. McLaughlin moved to strike out the enacting clause. Motion lost.

On motion of Mr. Comly, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

On motion of Mr. McLaughlin, H. B. No. 27, "An Act to amend an act supplementary to an act entitled an act amendatory of an act entitled an act regulating the holding of elections in Montana Territory, approved Nov. 27, 1867," was taken up, rules suspended, bill read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Estis, Hicks, Kerly, Lowry, McLaughlin, Powers, Shafer, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—16.

Nays—Messrs. Comly, Donegan, Ellis, Higley, Rhodes, Stapleton, and Sweeney—7.

Absent—Mr. Findlay.

Title agreed to.

The substitute for C. B. No. 4 was taken up, with amendments, and ordered engrossed for third reading.

The following communication was received from the Council:

That C. B. No. 2, "An Act to amend an act to locate the seat of government in and for the Territory of Montana," has passed the Council.

C. C. MENAUGH, *Chief Clerk.*

C. B. No. 21, "An Act to amend an act in relation to the discovery and possessory right of placer mines," was read the first and second time, when Mr. Stapleton offered the following amendment: "That Sec. 1 be so amended as to read 'Deer Lodge, Missoula and Beaver Head counties,' in fifth and sixth lines."

Mr. Brison offered the following amendment to the amendment: "Amend amendment by inserting 'Madison county, with Deer Lodge, Missoula and Beaver Head counties.'"

The amendment to the amendment was adopted, and the amendment was then adopted as amended.

Mr. McLaughlin moved to adopt the bill as amended.

Mr. Comly moved to lay Mr. McLaughlin's motion on the table, which was lost by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Findlay, Rhodes, Shafer, and Sweeney—10.

Nays—Messrs. Brison, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—14.

The bill was then adopted as amended by the following vote :

Ayes—Messrs. Brison, Comly, Cooper, Estis, Findlay, Hicks, Kerly, Lowry, McLaughlin, Powers, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—16.

Nays—Messrs. Alexander, Barnes, Donegan, Ellis, Higley, Rhodes, Shafer, and Sweeney—8.

Mr. Comly gave notice that he would, on to-morrow at 2½ o'clock, P. M., move to reconsider the vote by which the bill with amendments was adopted.

Mr. Stewart moved that the vote by which the bill with amendments was adopted, be now reconsidered, which was adopted by the following vote :

Ayes—Messrs. Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Kerly, McLaughlin, Powers, Shafer, Stewart, Strickland, Wentworth, and Wilson—17.

Nays—Messrs. Higley, Lowry, Rhodes, Stapleton, Sweeney, and Mr. Speaker—6.

Excused—Mr Alexander.

Mr. Comly moved to postpone the bill indefinitely, which was lost by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Findlay, Rhodes, and Sweeney—9.

Nays—Messrs. Brison, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—15.

On motion of Mr. McLaughlin, the bill was adopted as amended, by the following vote :

Ayes—Messrs. Brison, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker.—15.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Findlay, Rhodes, and Sweeney—9.

Mr. Stewart moved that the rules be suspended, bill read third time by its title, and put upon its final passage.

The yeas and nays being called, those voting in the affirmative, were—

Messrs. Brison, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—14.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Findlay, Rhodes, Shafer, and Sweeney—10.

The motion having failed to receive the support of two-thirds of the members, was lost.

Mr. Comly moved to lay the bill on the table, which was lost by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Rhodes, Shafer, Sweeney, and Wilson—10.

Nays—Messrs. Brison, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Stapleton, Stewart, Strickland, Wentworth, and Mr. Speaker—14.

Mr. Comly moved to adjourn, which was lost by the following vote :

Ayes—Messrs. Barnes, Comly, Cooper, Donegan, Rhodes, and Sweeney—6.

Nays—Messrs. Alexander, Brison, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—18.

Mr. Stewart moved that the bill be read third time by its title and put upon its final passage.

Mr. Comly moved to lay the motion on the table, which was lost by the following vote :

Ayes—Messrs. Barnes, Comly, Donegan, Ellis, Rhodes, and Sweeney—6.

Nays—Messrs. Alexander, Brison, Cooper, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—18.

Mr. Stewart's motion then prevailed, and C. B. No 21, "An Act to amend an act in relation to the discovery and possessory right of placer mines," was read third time, and passed by the following vote :

Ayes—Messrs. Brison, Cooper, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—16.

Nays—Messrs. Alexander, Barnes, Comly, Donegan, Ellis, Findlay, Rhodes, and Sweeney—8.

Title agreed to.

The hour having arrived for which the Governor's message was made the special order, the House resolved itself into Committee of the Whole, to consider the same. Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

A call of the House was ordered.

Absent—Messrs. Brison, Cooper, Comly, Donegan, Higley, Hicks, Kerly, Lowry, McLaughlin, Stewart, and Strickland.

The members were all reported in their seats, when Mr. McLaughlin moved the further call of the House be dispensed with.

Motion adopted.

On motion of Mr. Comly, the House adjourned until 10 o'clock, A. M. to-morrow.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

SIXTEENTH DAY.

DECEMBER 22, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Alexander, chairman Joint Committee on part of the House, reported H. B. No. 2, and H. B. No. 15, handed to the Governor on yesterday, at 3½ o'clock, P. M.

Report received.

Mr. Stewart, of the Judiciary Committee, reported H. B. No. 28, "An Act in relation to costs," back to the House without amendments, with a recommendation that the same do pass.

Also, by Mr. Stapleton, chairman of the Judiciary Committee, C. B. No. 3, "An Act to provide for the exemption of homesteads from forced sale upon execution or other final process," was reported back to the House without amendment, with a recommendation that it pass.

Report received.

Mr. Rhodes, chairman of the Committee on Ways and Means, reported H. J. R. No. 2, back to the House, with a recommendation that it be laid on the table.

Report received.

Mr. Sweeney, chairman of the Select Committee on newspapers, reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred a resolution directing your Committee to inquire concerning the

furnishing this House with newspapers, beg leave to report that they have waited upon the honorable Secretary of Montana, and that he informs us that he will furnish this House with one tri-weekly newspaper and two copies of any daily paper, and that should the members desire to subscribe otherwise, that he will furnish each member with twelve dollars' worth of newspapers for the session, each member designating the number of dollars' worth of each paper which he desires.

The Secretary further informs your Committee that he has given no orders to any newspaper company in reference to this subject.

Your Committee therefore offer the following resolution for the consideration of the House:

Resolved, That each member designate to the clerk of this House, the manner in which he desires to subscribe for said newspapers, and a list of said subscription be transmitted by the Sergeant-at-Arms to the honorable Secretary.

JOHN M. SWEENEY, *Chairman*.

Report received.

The following notices were given of the introduction of bills:

By Mr. Ellis—"A Bill for the relief of the Masonic fraternity of the city of Virginia."

By Mr. Wentworth—"A Memorial, praying Congress to extinguish the Indian title to the lands in Bitter Root Valley."

By Mr. Stapleton, "An Act to repeal sections 35, 36, 37 and 38 of an act concerning crimes and punishments."

Previous notice having been given, Mr. Wilson introduced H. B. No. 30, "An Act to amend an act entitled an act to provide for the laying out and establishing a territorial road from Bozeman City, in Gallatin county, to Helena, in Edgerton county."

Read first and second time, and referred to the Committee on Roads and Highways.

Previous notice having been given, Mr. Hicks introduced H. B. No. 31, "An Act to amend the punctuation of an act entitled an act concerning limitations, approved February 9, 1865."

Read first and second time, and referred to Committee on Judiciary.

By leave, Mr. Wilson introduced H. J. M. No. 3, praying for a reconsideration of the treaty with the Crow Nation.

Read first and second time, and referred to the Committee on Indian Affairs.

The report of Mr. Sweeney, chairman of the Select Committee on newspapers, and accompanying resolution, were adopted.

Mr. Comly called up C. B. No. 2, "An Act to amend an act entitled an act to locate the seat of government in and for the Territory of Montana, passed January 24, 1865."

Read first and second time, when Mr. Stewart offered the following amendments:

Amend Section 1, by striking out the words "town of Deer Lodge, Deer Lodge county," and inserting the words "town of Helena, Lewis and Clarke county."

Amend section 3, by striking out the words "town of Deer Lodge," and inserting "town of Helena."

Mr. McLaughlin moved to lay the amendment on the table, which was lost by the following vote:

Ayes—Messrs. Alexander, Brison, Donegan, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—10.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—14.

Mr. Comly moved the previous question.

Ayes—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—13.

Nays—Messrs. Alexander, Brison, Donegan, Findlay, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—11.

Mr. McLaughlin moved to adjourn, which was lost by the following vote:

Ayes—Messrs. Alexander, Brison, Donegan, Findlay, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—11.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—13.

On motion of Mr. Stewart, the amendments were adopted by the following vote :

Ayes—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—14.

Nays—Messrs. Alexander, Brison, Donegan, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—10.

Mr. McLaughlin moved to adjourn, which was lost by the following vote :

Ayes—Messrs. Alexander, Brison, Donegan, Estis, Findlay, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—12.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—12.

On motion of Mr. Stewart, the bill was adopted as amended by the following vote :

Ayes—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—14.

Nays—Messrs. Alexander, Brison, Donegan, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—10.

Mr. Alexander moved that C. B. No. 2 be made the special order for 2½ o'clock this P. M.

Mr. Stewart moved to amend the motion by reading the bill third time, and placing the same upon its final passage.

Mr. McLaughlin moved to adjourn, which was lost by the following vote :

Ayes—Messrs. Brison, Donegan, Estis, Hicks, Kerley, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—10.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Ellis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—14.

Mr. McLaughlin moved to lay the amendment to the amendment on the table, which was lost by the following vote:

Ayes—Messrs. Alexander, Brison, Donegan, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—10.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—14.

Mr. Alexander moved to adjourn, which was lost by the following vote:

Ayes—Messrs. Alexander, Brison, Donegan, Estis, Findlay, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—12.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—12.

Mr. Stewart's amendment was then adopted by the following vote:

Ayes—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—14.

Nays—Messrs. Alexander, Brison, Donegan, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—10.

C. B. No. 2 was then read third time, when Mr. McLaughlin moved to adjourn, which was lost by the following vote:

Ayes—Messrs. Alexander, Brison, Donegan, Estis, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—11.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—13.

The roll was then called upon the passage of C. B. No. 2, with the following result:

Ayes—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Findlay, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—15.

Nays—Messrs. Alexander, Brison, Donegan, Hicks, Kerly, Stapleton, Strickland, Wentworth, and Mr. Speaker—9.

And the bill was passed.

Mr. McLaughlin gave notice that he would, on to-morrow, at 3 o'clock P. M., move to reconsider the vote by which C. B. No. 2 was passed.

Mr. Stewart moved that the vote be reconsidered now.

Mr. Comly moved that the motion of Mr. Stewart be laid on the table, which was carried by the following vote:

Ayes—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—14.

Nays—Messrs. Alexander, Brison, Donegan, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—10.

Mr. Brison moved to adjourn, which was lost by the following vote:

Ayes—Messrs. Alexander, Brison, Donegan, Findlay, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—11.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Estis, Higley, Lowry, Powers, Shafer, Stewart, Sweeney, and Wilson—13.

The title of C. B. No. 2, "An Act to amend an act entitled an act to locate the seat of government in and for the Territory of Montana," was agreed to.

On motion of Mr. Strickland, the House adjourned until to-morrow morning at 10 o'clock.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

SEVENTEENTH DAY.

"DECEMBER 23, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Strickland presented a petition signed by a number of citizens of Missoula county, praying for a charter to erect a "fish trap," which petition, on motion of Mr. Stewart, was laid on the table.

Mr. Strickland also presented a petition from citizens of Missoula county, asking that a law be enacted for the protection of Indian children.

Referred to the Committee on Indian Affairs.

Mr. Brison, chairman of the Committee on Incorporations, reported H. B. No. 29 back to the House, recommending its passage.

Report received.

Mr. Stapleton reported H. B. No. 31, "An Act to amend the punctuation of an act concerning limitations," back to the House, with a recommendation that the same do pass.

Report received.

Mr. Cooper, chairman of the Committee on Roads and Highways, reported H. B. No. 30 back to the House, recommending that Section 6 of said act be amended so as to read as follows:

"SEC. 6. That the said commissioners shall immediately upon filing their bonds, or as soon thereafter as practicable, proceed to locate and establish said road, and let the contract for building said bridges. The said commissioners shall, at least thirty days be-

fore the letting of said contracts, give notice in some weekly newspaper, published in Helena City, of the time and place of letting such contracts, and that the same shall be let to the lowest responsible bidder, and it shall be the duty of said commissioners to take from the person or persons so receiving said contracts, a bond, payable to the people of the Territory of Montana, in the sum of not less than five thousand dollars, for the faithful performance of the same."

Report received.

The following communication was received from the Council :

That C. B. No. 14, "An Act creating the office of Attorney General of the Territory of Montana, defining its duties and providing compensation therefor," has been indefinitely postponed by the Council.

Also, that House concurrent resolution in relation to the appointment of a joint committee to take into consideration the communication made by the Legislature of Oregon, has passed the Council, and that the President has appointed Messrs. Bagg, Watson and Rand such committee, to act on behalf of the Council.

Also, that H. B. No. 10, entitled "An Act relating to fires, and the protection of timber and grasses," and H. B. No. 8, "An Act creating the office of clerk of the probate court," have passed the Council.

Also, that C. B. No. 8, "An Act to define the nature and quality of estates in real property, and the alienation thereof," has been indefinitely postponed by the Council.

C. C. MENAUGH, *Chief Clerk*.

Mr. Comly, chairman of Engrossment Committee, reported substitute for C. B. No. 4, correctly engrossed.

Mr. Ellis, of the Committee on Towns and Counties, made the following report :

MR. SPEAKER—A majority of your Committee on Towns and Counties, to whom was referred the petition from a number of citizens residing in Gallatin county, praying that they be cut off

from the county of Gallatin, and be annexed to Jefferson county, beg leave to report:

We fully accord the right of petition, and conceive it due petitioners fully to consider any matter wherein legislation would better their condition; wherefore, we beg leave to say that we have given to the petition referred to, not only a due consideration, but a calm, careful deliberation. We have spared no pains in making such thorough inquiries, as to warrant that our conclusions will not lead to work an injury, but fully establish the correctness of our position in assuming that our opinion is proper, prudent and just.

It is often the case that a petition presents merit on its face, and would, at a casual glance, almost warrant its justness; but a closer examination will reveal such facts as will clearly establish that the granting of the same would work an injury to an equal, and in this instance to a larger number of citizens who are as fully entitled to be protected in their rights as are the petitioners. Your Committee, deeming this a matter of grave importance, beg to submit for your consideration such facts as in their judgment warrant that the prayer should not be granted.

We hold that the citizens of every portion of a county are alike copartners in incurring county liabilities, and should, as a matter of justice, which judgment and common sense sustains, be equally responsible to liquidate the same, as long as they remain tenements of the domain for the protection of which, or for the administration of justice therein, the same have been incurred, except when by the rightful voices of the sovereign electors, or common consent of a majority of their copartners, as above held, they be released. We forbear commenting at length, important as we conceive this, because we don't wish to be tedious. We shall therefore confine ourselves to such facts as we have from good authority.

We are reliably informed that the settlers on the domain asking to be annexed to Jefferson county, consist of one-twelfth of the tax-payers of the county of Gallatin.

Secondly, that the petitioners are not all the settlers of that portion referred to, yet in acknowledging their right to petition, we should not lose sight of the consideration due the remaining and larger portion of the citizens of Gallatin county; hence, while we

admit that the prayer of the petitioners, if granted, would benefit them, we are forced in justness to also admit, that it would work an injury to a far greater number, who in losing the revenue of the petitioners, if we permit them to sever their connection, would of necessity be burdened with a larger and heavier tax to pay off the indebtedness incurred in common while citizens of the same county. The question of natural or imaginary boundary which is contended, does not, in our opinion, justify the prayer to be granted, to the detriment of the remaining citizens of Gallatin, as we have clearly demonstrated. Desiring to treat the petitioners with that respect that we are ever ready to pay to our fellow citizens, and without a desire of accusing them of a spirit of secession, we cannot help but regard most of their reasons assigned as novel and trivial, yet we willingly give them the benefit of our opinion thereon. One of their reasons is, that they are too remote from the county seat. It is a fact that must be patent to all, that county seats cannot be established in front of every farm, or to suit the particular convenience of every citizen of a county. It is regulated by a majority of the electors, and when a majority does locate a seat of government in any particular point, it is presumed and should be acknowledged as the best place for it; besides, in a county so thinly populated as this, the county seat must of necessity be remote from some point. To acknowledge such reason would be acknowledging in States the right of any portion to be cut off at their pleasure, and in counties it would be a most dangerous precedent, that would endanger the entire system and fabric of maintaining a county organization; for, if a county should be in debt, it would give an opportunity for a portion of it to get out, on account of not having the county seat in front of everybody's door, as our petitioners seem to think they should have. This much for reason No. 1, to which we hope we have done justice.

We will pay respectful attention to the other reasons assigned, and then dismiss the subject, so far as we are concerned. The other and more grave reason asserted by our petitioners is, their business does not call them to the county seat. Your Committee beg to say that, as good citizens they should at all times feel the responsibility, and be ready to discharge their duties when asked, to the county seat, for the purpose of either sitting in judgment

on the life of a citizen, or as arbitrators in matters of difference between their neighbors, particularly when they are paid for being there, and if you will pardon us the expression, we not only think this novel but absurd. It comes with such poor grace that, without desiring to be harsh, we consider this alone as sufficient to refuse their petition, for it does not manifest a proper spirit that should actuate citizens of our great Republic.

One more answer, and our labors are done. The petitioners complain that their present county seat of Gallatin does not afford them a ready or profitable market for their products. We deeply regret that the county seat of Gallatin is not as yet a large commercial town, but we hope for the benefit of the petitioners that there may be a bright future in store for Gallatin's seat of justice, and that they may at no distant day find no reasons to complain on that score.

Having, as we believe, fully asserted our reasons, we respectfully recommend that the prayer of the petitioners be not granted.

J. M. ELLIS,

J. DONEGAN,

Of Committee on Towns and Counties.

Report received.

Mr. Higley was granted further time to make a minority report.

Previous notice having been given, Mr. Stewart introduced H. B. No. 32, "An Act to amend an act to establish the boundary line of Jefferson county, approved Dec. 2, 1867." Read first and second time, and on motion of Mr. Stewart referred to a select committee of three—Messrs. Stewart, Stapleton, and McLaughlin.

On motion, the Committee on Newspapers was discharged.

H. B. No. 29, "An Act to amend an act to provide for the formation of corporations for certain purposes," with report of Committee on Incorporations, was taken up, considered by the House, and the report of the Committee adopted. Bill read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Sweeney, Wentworth, Wilson, and Mr. Speaker—22.

Nays—Messrs. Rhodes and Strickland—2.

The title agreed to.

The report of the Committee on Roads and Highways upon H. B. No. 30 was adopted, with amendments reported. The bill was then ordered printed, and amended as reported.

On motion of Mr. Alexander, the substitute for C. B. No. 4 was taken up, rules suspended, substitute read third time by title, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—21.

Nays—Messrs. Comly and Sweeney—2.

Absent—Mr. Kerly.

Title amended by inserting "and Madison counties," and agreed to as amended.

H. B. No. 31, "An Act to amend the punctuation of an act concerning limitations, approved Feb. 9, 1865," was taken up, rules suspended, bill read third time by title, and passed by the following vote:

Ayes—Messrs. Alexander, Brison, Comly, Cooper, Donegan, Ellis, Findlay, Hicks, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—21.

Nays—Messrs. Barnes and Estis—2.

Absent—Mr. Kerly.

Title agreed to.

C. B. No. 3, "An Act to provide for the exemption of homesteads from forced sale upon execution or other final process," was read for information, and made the special order for 2½ o'clock this P. M.

On motion of Mr. Ellis, the following resolution was adopted:

Resolved, That the free use of this hall be granted to Mr. Pauncefort for Christmas eve next, for the purpose of giving his readings.

H. B. No. 27, and H. B. No. 28, were ordered enrolled.

The following communication was received from the Council :

That C. B. No. 11, "An Act to regulate and license foreign miners,"

Also, C. B. No. 23, "An Act authorizing county clerks to administer oaths, and for other purposes,"

Also, C. B. No. 24, "An Act to amend an act creating certain offices in the Territory of Montana, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies, approved Nov. 16, 1867,"

Also, H. B. No. 27, "An Act to amend an act supplementary to an act entitled an act amendatory of an act entitled an act regulating the holding of elections in Montana Territory, approved Nov. 22, 1867,"

Also, H. B. No. 23, "An Act to prevent the unlawful driving away of cattle and other stock,"

Have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

On motion of Mr. Stewart, the report of Committee upon, and the following amendment to H. B. No. 28, were adopted :

Amend Sec. 1, by adding the following to line 14, after the word "action:": "And it shall be the duty of the sheriff or other officer to serve the same without demanding or receiving their fees in advance."

On motion of Mr. McLaughlin, the following amendments were adopted:

Amend Sec. 1, third line after "court," insert "clerk of the probate court."

Also, seventh line, same section, insert the word "clerks," instead of "clerk;" twelfth line, same section, after the word "clerk" "of the probate court;" sixth line, after the word "clerk" "of the probate court"

Section 2, sixth line, after the word "court," insert the words "clerk of the probate court."

The bill was adopted as amended, and ordered to be engrossed for third reading.

On motion of Mr. Shafer, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

H. J. R. No. 2 was considered, and the report of the Committee on Ways and Means adopted.

On motion of Mr. Comly, the resolution was indefinitely postponed.

On motion of Mr. Wentworth, C. B. No. 17 was indefinitely postponed.

Previous notice having been given, Mr. Ellis introduced H. B. No. 33, "An Act for the relief of the Masonic fraternity in Virginia City."

Read first and second time, and referred to a Select Committee of three, consisting of Messrs. Comly, Ellis, and Stapleton.

Mr. Donegan gave notice of the introduction of "An Act to construct and maintain a public road, commencing at the 'Beaver Head Rock,' in Beaver Head county, running thence westerly to the boundary line of this Territory."

Mr. Ellis moved to go into Committee of the Whole, to consider the "Governor's message." Motion lost.

On motion of Mr. Stewart, the House resolved itself into Committee of the Whole, to consider C. B. No. 3, "An Act to provide for the exemption of homesteads from forced sale upon execution or other final process." Mr. Stewart in the chair.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Lowry, the House adjourned until to-morrow morning at 10 o'clock.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

EIGHTEENTH DAY.

DECEMBER 24, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Stewart reported as follows:

MR. SPEAKER—Your Finance Committee, to whom was referred the Territorial Treasurer's report, have had the same under consideration, and after a careful examination find it full, complete and comprehensive, and the statements show the financial condition of our Territory to be in a healthy and prosperous condition. We believe that the House should order said report printed for the use of the members of the Legislative Assembly, and in order that the same can be circulated throughout the Territory, would recommend that five hundred copies be ordered printed. We therefore refer the same back to the House, with a recommendation that the same be printed, and considered in Committee of the Whole.

W. STEWART, *Chairman*.

Report received and adopted, and five hundred copies of Treasurer's report ordered printed.

Mr. Higley submitted the following minority report of Committee on Towns and Counties:

As chairman of the Committee on Towns and Counties, I beg leave to offer the following as a minority report:

I have examined the petition coming from the people of Willow Creek, as I think without prejudice, and think my conclusions are just, and unbiassed by either friends or enemies of the petition. I have examined the maps in regard to the county lines of Gallatin, Madison and Jefferson counties, and also talked with

people who are well acquainted with the people (the petitioners) and know their wishes. They represent that the people of this section or portion of Gallatin county, are laboring under a great inconvenience on account of having to go fifty-five or sixty miles to Bozeman City, the county seat, to transact their county business. That they never have any business, except to go on purpose to attend to said county business. That they are only twenty-five miles from Radersburg, the county seat of Jefferson county, and on their road to and from Helena, where all their marketing and business of a general nature calls them. That this road is an accessible road at all seasons of the year, and by being joined to Jefferson county, they can combine their business, thereby saving them an extra expense and a long distance of travel. They furthermore represent that they have two rivers to cross to go to Bozeman, and in the spring of the year the roads are for some time rendered impassable on account of high water, portions of the county being overflowed. These petitioners think, without any scruples of secession before their eyes, they ought to belong to Jefferson or Madison county, and that they prefer to belong to Jefferson county.

I beg leave to offer the above report, and that the members of this House will take into consideration the wishes of these petitioners of Willow Creek and give it their careful consideration, and grant their desire, if in their opinion such petition is just.

All of which I respectfully submit.

C. W. HIGLEY,

Chairman of Committee on Towns and Counties.

Report received.

Mr. Comly reported H. B. No. 28 correctly engrossed.

Report received.

Mr. Stapleton reported as follows :

The Joint Committee, to whom was referred the task of drafting a law providing for the collection of revenue in Montana Territory, beg leave to report, that in obedience to the command of the concurrent resolution of the House and Council, they have, to the best of their ability, discharged the duty imposed, and have

unanimously agreed upon and adopted the accompanying bill, which they hope will fully answer the purpose for which it is intended, and give universal satisfaction.

All of which they respectfully submit.

Report received.

Mr. Comly, chairman Select Committee, reported H. B. No. 33, "An Act for the relief of the Masonic fraternity of Virginia City," back to the House, recommending its passage.

Report received.

Mr. Stewart, chairman of the Committee of the Whole, reported:

MR. SPEAKER—The Committee of the Whole, to whom was referred Council Bill No. 3, "An Act to provide for the exemption of homesteads from forced sale upon execution or other final process," report that they have had the same under consideration, and recommend that Section 1 of said act be amended by striking out the word "ten" in fifteenth line, between the words "of" and "thousand," and inserting the word "one." That Section 2 be amended by striking out the word "effect" in first line, and inserting the word "affect" between the words "not" and "any." That Section 7 be amended in fifth line by inserting the word "or" between the words "execution" and other." That Section 9 of said act be stricken out, and substitute the following in its place: "That the provisions of this act shall only apply to married men or the head of a family."

All of which is respectfully submitted.

W. STEWART, *Chairman.*

Report received.

Mr. Strickland gave notice of the introduction of a Bill for the laying out and constructing a wagon road from Missoula, in Missoula county, to Helena, in Lewis and Clarke county, and asking an appropriation of twenty thousand dollars therefor.

H. B. No. 34, "An Act providing for the collection of the revenue," was read first and second time, and referred to Committee on Printing.

On motion of Mr. McLaughlin, the following resolution was adopted :

Resolved, By the House, the Council concurring, that a Committee of two from each House be appointed to examine the books of the Territorial Auditor and Treasurer, and report upon the same to their respective Houses.

Messrs. McLaughlin and Stewart were appointed said committee.

C. B. No. 11, "An Act to regulate and license foreign miners," was read first and second time, and made the special order for Monday, the 28th inst., at 2½ o'clock P. M., to be considered in Committee of the Whole.

C. B. No. 23, "An Act to authorize county clerks to administer oaths and for other purposes," was read first and second time, and referred to the Committee on Judiciary.

C. B. No. 24, "An Act to amend an act creating certain offices in the Territory of Montana, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies, approved November 16, 1867," was read first and second time, and referred to the Committee on Judiciary.

H. B. No. 33, "An Act for the relief of the Masonic fraternity of Virginia City," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Stapleton, Stewart, Strickland, Shafer, Sweeney, Wilson, and Mr. Speaker—23.

Nay—Mr. Wentworth.

The title was agreed to.

The following communication was received from the Governor:

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, Dec. 22, 1868. }

To the House of Representatives :

I have to inform your honorable body, that I have approved H. B. No. 2, "An Act for the relief of Hot Spring School District, Madison county."

Also, House Bill No. 15, "An Act to amend an act entitled an act to authorize the county commissioners of Missoula county to levy a tax for bridge purposes, approved December 2, 1867."

Very respectfully,

JAMES TUFTS,

Acting Governor.

The following communication was received from the Council :

That the Council has refused to concur in the House amendments to C. B. No. 21, "An Act to amend an act entitled an act relating to the discovery and possessory right of placer mines."

C. C. MENAUGH, *Chief Clerk.*

H. B. No. 28, "An Act in relation to costs," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—24.

Nays—None.

Title agreed to.

Mr. Powers moved to adjourn. Lost.

Mr. Ellis was called to the chair.

Mr. Mayhew gave notice of the introduction of "A Bill to regulate appeals from the probate court to the district courts of the Territory."

On motion, the House resolved itself into Committee of the Whole, to consider the Governor's message. Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Ellis was called to the chair.

The following communication was received from the Council :

That C. B. No. 19, "An Act to repeal an act entitled an act to provide extra compensation to the Secretary of the Territory," has been indefinitely postponed.

That C. B. No. 20, "An Act to declare the Military or Mullen Road a public highway."

Also, C. B. No. 22, "An Act concerning swine."

Also, C. B. No. 5, "An Act concerning licenses."

Also, H. B. No. 9, "An Act concerning stallions."

Have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

Mr. Mayhew moved to adjourn until 10 o'clock A. M. on Monday next.

Motion lost.

On motion of Mr. Wilson, H. B. No. 30 was made the special order for Tuesday next, at 3 P. M., to be considered in Committee of the Whole.

On motion of Mr. Stewart, leave of absence was granted Mr. Wilson until Monday next, at 2 P. M.

On motion of Mr. Stewart, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

Mr. McLaughlin offered the following :

Resolved, By the House of Representatives, the Council concurring, That both Houses stand adjourned from to-day until Monday next, at 10 o'clock, A. M.

Mr. Comly offered the following amendment: Insert "Saturday" instead of Monday," which amendment was adopted by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Ellis, Higley, Kerly, Lowry, Rhodes, Shafer, Stewart, Sweeney, and Wentworth—13.

Nays—Messrs. Brison, Donegan, Estis, Findlay, McLaughlin, Powers, Stapleton, Strickland, and Mr. Speaker—9.

Absent—Mr. Hicks.

Absent by leave—Mr. Wilson.

Mr. Donegan moved that the resolution as amended, be indefinitely postponed, which was lost by the following vote :

Ayes—Messrs. Barnes, Brison, Donegan, Estis, Findlay, Lowry, McLaughlin, Powers, Stapleton, Strickland, and Mr. Speaker—11.

Nays—Messrs. Alexander, Comly, Cooper, Ellis, Higley, Kerly, Rhodes, Shafer, Stewart, Sweeney, and Wentworth—11.

Absent—Messrs. Hicks and Wilson.

Mr. McLaughlin moved a call of the House. Absent—Mr. Hicks.

Mr. Hicks was reported in his seat, when a further call was dispensed with.

On motion of Mr. Comly, the vote by which the amendment to the resolution was adopted, was reconsidered.

The resolution as originally offered, was, on motion, adopted.

The following message was received from the Council, through C. C. Menaugh, Chief Clerk :

That H. C. R., appointing a committee to examine the auditor's and treasurer's accounts, was amended in the Council as follows : Amend by inserting after the word "Treasurer" in 5th line, the following :

"From the organization of the Territory up to the present time."

On motion of Mr. Stewart, the House concurred in the Council amendment to the resolution.

On motion of Mr. Wentworth, the House receded from their amendments to C. B. No. 21.

The following communication was received from the Council :

That C. B. No. 5, C. B. No. 20, and C. B. No. 22, have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

C. B. No. 22, "An Act concerning swine," was read first and second time.

Mr. Kerly moved to amend the bill by striking out "Oct. 1st," and inserting "April 30th of each year."

Amendment lost.

The bill was then referred to the Committee on Agriculture.

C. B. No. 20, "An Act to declare the Military or Mullen Road a public road," was read first and second time, and referred to the Committee on Roads and Highways.

Mr. Donegan was called to the chair.

C. B. No. 5, "An Act concerning licenses," was taken up.

And on motion of Mr. Comly, the rules were suspended, bill read first and second time by title, and referred to a Select Committee of five—Messrs. Ellis, Barnes, Rhodes, Stewart, and Alexander.

The following communication was received from the Council:

That H. C. R., in relation to adjournment, was postponed until Monday next, at 10 A. M.

C. C. MENAUGH, *Chief Clerk.*

On motion, the House adjourned until Saturday next, at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

TWENTIETH DAY.

DECEMBER 26, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called. Absent—Mr. Findlay; by leave—Mr. Wilson.

Minutes of Thursday read and approved.

Mr. Alexander reported H. B. No. 8, H. B. No. 9, H. B. No. 10, H. B. No. 23, and H. B. No. 27, correctly enrolled.

Report received.

Mr. Wentworth reported C. B. No. 22, "An Act concerning swine," back to the House, with a recommendation that the same be indefinitely postponed.

Mr. Stapleton, chairman Judiciary Committee, reported C. B. No. 24, "An Act to amend an act creating certain offices in the Territory of Montana, declaring to whom resignations shall be made, when the offices shall be declared vacant, and the manner of filling vacancies," back to the House, recommending its passage.

Report received.

Mr. Rhodes reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 16, beg leave to make the following report : That we have duly considered the said bill, and desire to offer a substitute for Section 1, and recommend that the bill pass.

Substitute for Section 1, H. B. No. 16:

SECTION 1. That each of the district judges of the Territory of Montana, in addition to the salary now allowed by the United States Government, shall have a docket fee of five dollars in each case, in which issue of either law or fact may be joined in the district court.

Report received.

Mr. Ellis reported as follows :

MR. SPEAKER—Your Joint Committee, appointed to confer with a like committee from the Council, to take under consideration the communication from the Oregon Legislature, would respectfully report: That they have had the same under consideration, and find that the report submitted by the chairman of Committee on Federal Relations, on the part of the House, fully answers the same.

Your Committee therefore recommend the adoption of the following joint resolution :

Resolved, By the House of Representatives, the Council concurring, That the Honorable the Secretary of Montana, be requested to transmit to the Secretary of Oregon, for their Legislature, a copy of the said report, in answer to their communication.

Previous notice having been given, Mr. Wentworth introduced H. J. M. No. 4, "To extinguish the Indian title to Bitter Root Valley."

Read first and second time, and referred to the Committee on Agriculture.

On motion of Mr. Stewart, H. B. No. 16 was made the special order for 2½ o'clock this P. M., to be considered in Committee of the Whole.

The report of the Judiciary Committee on C. B. No. 24 was adopted.

Mr. Ellis was called to the chair.

C. B. No. 24, "An Act to amend an act entitled an act creating certain offices in the Territory of Montana, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies, approved Nov. 16, 1867," was taken up, the rules were suspended, bill read third time and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Lowry, Powers, Rhodes, Stapleton, Shafer, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—20.

Nay—Mr. McLaughlin.

Absent—Messrs. Findlay and Kerly—2.

Absent by leave of the House—Mr. Wilson.

Title agreed to.

Previous notice having been given, Mr. Mayhew introduced H. B. No. 36, "An Act relating to appeals from the probate to the district courts."

Read first and second time, and ordered printed.

C. B. No. 22, "An Act concerning swine," was, on motion of Mr. McLaughlin, indefinitely postponed by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Lowry, McLaughlin, Powers, Rhodes, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—19.

Nays—Messrs. Brison and Shafer—2.

Absent—Messrs. Findlay and Kerly—2.

Absent on leave—Mr. Wilson.

Council Bill No. 3, "An Act to provide for the exemption of homesteads from forced sale upon execution or other final process," was taken up.

Mr. Stewart moved the adoption of the report of the Committee of the Whole, except the amendment to Section 1.

Mr. Comly moved to adopt the report as a whole, which was lost, by the following vote :

Ayes—Messrs. Brison, Comly, Lowry, McLaughlin, Strickland, Sweeney, and Wentworth—7.

Nays—Messrs. Alexander, Barnes, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Kerly, Powers, Rhodes, Shafer, Stapleton, Stewart, and Mr. Speaker—15.

Absent—Mr. Findlay.

Absent by leave of House—Mr. Wilson.

The following communication was received from the Council :

That H. J. M. No. 1, " Asking Congress for an appropriation for the establishment of a Branch Mint. Also, that Council substitute for H. J. M. No. 2, " Asking for an appropriation of \$1,100,000 to liquidate military debts, have passed the Council.

C. C. MENAUGH, *Chief Clerk*.

Mr. Stewart's motion to adopt the report of the Committee of the Whole, upon C. B. No. 3, except the amendment to section 1, was then adopted.

Mr. McLaughlin moved to amend Sec. 1, by striking out the words " twenty-five hundred," and inserting " one thousand."

On motion of Mr. Mayhew, the amendment of Mr. McLaughlin was laid on the table by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Kerly, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Wentworth, and Mr. Speaker—18.

Nays—Messrs. Comly, Lowry, McLaughlin, and Sweeney—4.

Absent—Mr. Findlay.

Absent by leave of the House—Mr. Wilson.

On motion of Mr. Mayhew, the bill was adopted as amended.

On motion of Mr. Stewart, the bill was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stewart, Stapleton, Strickland, Sweeney, Wentworth, and Mr. Speaker—22.

Nays—None.

Absent—Mr. Findlay.

Absent on leave—Mr. Wilson.

The title was agreed to.

On motion of Mr. Mayhew, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

On motion of Mr. McLaughlin, the House resolved itself into Committee of the Whole, to consider H. B. No. 16.

Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Menaugh, Chief Clerk of the Council, communicated to the House :

That H. B. No. 19, "An Act in relation to public highways," has passed the Council with amendments.

C. C. MENAUGH, *Chief Clerk.*

Mr. Ellis, chairman of the Committee of the Whole, was granted time to report.

Mr. Comly moved that the House do not concur in the amendment of the Council to H. B. No. 19, "An Act relating to public highways," and requested the Council to recede therefrom.

Motion adopted.

Mr. Kerly, chairman Committee on Printing, reported H. B. No. 34 correctly printed.

Report received.

H. B. No. 34, "An Act relating to the collection of revenue," was referred to a Select Committee of three—Messrs. Comly, Stewart, and Shafer.

On motion of Mr. Brison, the House adjourned until Monday next, at 10 A. M.

A. E. MAYHEW,
Speaker

R. E. ARICK,
Chief Clerk.

TWENTY-SECOND DAY.

DECEMBER 28, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Absent, Mr. Estis and Mr. Findlay. Absent on leave of the House, Mr. Wilson.

Minutes of Saturday read and approved.

Mr. Alexander reported that the Committee on Enrollment had handed the Governor, for his approval, H. B. No. 8, H. B. No. 9, H. B. No. 10, H. B. No. 23, and H. B. No. 27, at 9 o'clock A. M. this day.

Report received.

Mr. Kerly reported H. B. No. 36 correctly printed.

Report received.

Mr. Comly, chairman of Select Committee, to whom H. B. No. 34, "An Act providing for the collection of revenue," was referred, reported that they have duly considered the same and find in it many improvements on the old revenue act, yet deem that by the adoption of a few amendments the present bill would be greatly improved.

Your Committee, deeming that the taxation of any property belonging to societies exclusively charitable would be exceedingly oppressive to such societies, and believing no funds or revenue of such societies should be subject to taxation in any civilized society, where charity is or should be practiced by all, the relief of our fellows in distress being one of the first duties imposed upon man by the moral law, as implanted in the heart of man by his Creator, we would therefore recommend that section three be amended by striking out all of line 27, after the word "society," and all of line 28.

Your Committee have noticed that Section 14 of the act provides for assessing and collecting taxes after the assessor has complied with his duties, and that there is no provision made for paying the treasurer for the extra assessment; we would, therefore, recommend that the following amendment be adopted: Add to Section 14, the following: "And the said treasurer, provided the taxes levied on such assessment be collected, shall receive the same fees for said services as are allowed the assessor."

Your Committee further believe that the method prescribed in the present bill for the payment of assessors, has the same objection as was urged to the provision in the old act, and that is, that it has a tendency to produce inactivity in the assessors, whereas by remunerating them, by providing a per centage on the amount of property assessed, instead of a per diem allowance, would stimulate these officers not only to do their duty speedily, but also to perform the same without favor to individuals, and thus produce a much larger revenue both to counties and Territory, and also allow of the reduction of the rate of taxation, because of the increased assessment, which would proceed from the fact that all property will be more surely assessed, when it is made the interest of the assessor to do his duty. Your Committee, therefore, recommend the adoption of the following amendment:

Amend Section 19 by striking out, after the word "county," in the first line, the following: "Such sum, not exceeding twelve dollars per day, for each day of actual service in the discharge of said duties," and inserting, in lieu thereof, the following: "A per centage of the assessed valuation returned by him, subject to such reduction as may be made by the board of equalization, of not less than three-fourths of one mill on the dollar, nor more than two mills on the dollar."

Amend Section 45 by striking out the words "total amount," and inserting, in lieu thereof, the word "balance."

Amend Section 13 by striking out the word "June," and inserting the word "July."

H. R. COMLY, *Chairman.*

Report received.

H. B. No. 36 was referred to the Committee on Judiciary.

The following communication was received from the Council :

That C. B. No. 18, " An Act to amend an act to provide for the formation of corporations for certain purposes, approved Dec. 30, 1867," has passed the Council.

C. C. MENAUGH, *Chief Clerk.*

The amendments, as reported by the Select Committee, to H. B. No. 34, were adopted, and the bill adopted as amended.

On motion of Mr. Comly, the printed bill was adopted in lieu of the original, and the Committee on Engrossment instructed to engross the amendments in the printed bill.

H. J. M. No. 2, with Council substitute therefor, was referred to a Select Committee of three, Messrs. Comly, Shafer, and Ellis.

Council amendments to H. J. M. No. 1, were concurred in, and the memorial ordered enrolled.

The following communication was received from the Council :

That the Council refuses to recede from their amendments to H. B. No. 19, and asks that a Committee of Conference be appointed.

C. C. MENAUGH, *Chief Clerk.*

In compliance with the request of the Council, Messrs. Wentworth and Barnes were appointed on the part of the House.

By leave, Mr. Shafer introduced H. J. M. No. 5, asking for the construction of a military road from Muscleshell to Fort Ellis.

Read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—23.

Nays—None.

Absent on leave—Mr. Wilson.

C. B. No. 18, "An Act to amend an act to provide for the formation of corporations for certain purposes, approved December 13, 1867," was read first and second time, and referred to Committee on Incorporations.

Mr. Comly reported H. B. No. 34 correctly engrossed.

Report received.

On motion of Mr. Stewart, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

H. B. No. 34, "An Act providing for the collection of the revenue," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donagan, Ellis, Estis, Findlay, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Strickland, Stewart, Sweeney, Wentworth, and Mr. Speaker—21.

Nays—Mr. Lowry.

Absent—Messrs. Hicks and Wilson.

Title agreed to.

Mr. Ellis, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—I am instructed by the Committee of the Whole, who have considered H. B. No. 16, to report, that all after the word "Territory," in Section 1, be stricken out up to Section 2, and to recommend that the original bill do pass.

J. M. ELLIS,

Chairman of the Committee of the Whole.

Report received.

On motion of Mr. Stewart, the amendments offered by the Committee of the Whole were adopted.

Mr. Comly offered a substitute for H. B. No. 16, which was, on motion of Mr. Stewart, laid on the table by the following vote:

Ayes—Messrs. Brison, Ellis, Estis, Findlay, Higley, Kerly, Lowry, Powers, Shafer, Stapleton, Stewart, Strickland, and Mr. Speaker—13.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Donegar, McLaughlin, Rhodes, Sweeney, and Wentworth—9.

Absent—Messrs. Hicks and Wilson.

The following message was received from the Council:

That the Council has concurred in the House amendments to C. B. No. 2, "An Act to amend an act to locate the seat of government in and for Montana Territory."

Also, that Mr. Cullen introduced C. B. No. 26, "An Act to amend an act relative to the pre-emption of town sites upon the public lands, and the disposal of trusts created thereby, approved Dec. 12, 1867."

Also, that Mr. Orr introduced C. B. No. 25, "An Act to amend an act to regulate proceedings in civil cases, in courts of justice of Montana Territory."

C. C. MENAUGH, *Chief Clerk*.

On motion of Mr. Kerly, the following amendment to H. B. No. 16 was adopted:

Amend Section 1, line 3, so as to read, "One thousand dollars annually."

On motion of Mr. Higley, the following amendment was adopted:

Amend Section 1 to read thus: "One thousand dollars annually, payable quarterly out of the territorial treasury."

On motion of Mr. Stewart, the bill as amended was adopted.

Mr. Donegan moved to indefinitely postpone the bill as amended, which was lost by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, McLaughlin, Rhodes, Sweeney, and Wentworth—9.

Nays—Messrs. Brison, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, Powers, Shafer, Stapleton, Stewart, Strickland, and Mr. Speaker—14.

Absent—Mr. Wilson.

The bill was then ordered engrossed for third reading.

On motion of Mr. McLaughlin, the House went into Committee of the Whole to consider C. B. No. 11, "An Act to license foreign miners." Mr. Brison in the chair.

House resumed. Mr. Speaker in the chair.

The following message was received from the Council:

That the Council has concurred in the House amendments to C. B. No. 3, "An Act to provide for the exemption of homesteads from forced sale upon execution or other final process," except that portion of said amendment to Section 9 of said bill, and I am requested to respectfully ask the House to recede therefrom.

Also, that H. B. No. 33, "An Act for the relief of the Masonic fraternity of Virginia City," has passed the Council.

C. C. MENAUGH, *Chief Clerk.*

Mr. Donegan gave notice that he would, at the expiration of five days from date, introduce a bill to repeal "An act in relation to the discovery and possessory right of all placer mines."

H. B. No. 33 was ordered enrolled.

On motion of Mr. Sweeney, the following resolution was adopted:

Resolved, By the House, the Council concurring, That a Joint Committee of three from each House be appointed, to report whether or not any amendments to the school law are necessary, and if so, to report a bill to that effect."

Messrs. Sweeney, Comly and McLaughlin, were appointed such committee on the part of the House.

On motion of Mr. Stewart, the House refused to recede from the amendments to Section 9 of C. B. No. 3, and a Committee of Conference (Messrs. Stewart and Stapleton), was appointed on the part of the House.

Previous notice having been given, Mr. Alexander introduced H. B. No. 37, "An Act amendatory of an act relating to counties and county officers, approved February 9, 1865."

Read first and second times, and referred to the Committee on Territorial Affairs.

On motion of Mr. Strickland, the House adjourned until tomorrow at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

TWENTY-THIRD DAY.

DECEMBER 29, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Comly reported H. B. No. 16 correctly engrossed.

Report received.

Mr. Stapleton, chairman of the Judiciary Committee, reported H. B. No. 36, "An Act to regulate appeals from the probate court to the district court of the Territory of Montana," back to the House, recommending its passage.

Report received.

Also, C. B. No. 23, "An Act authorizing county clerks to administer oaths, and for other purposes," recommending the following amendment: "Amend by making Section 2 Section 3, and make Section 2 read as follows: 'That all oaths heretofore administered, and all acknowledgments heretofore taken, by the county clerks of Montana Territory, are hereby legalized and made valid, and binding upon all parties thereto.'"

Report received.

Mr. Wentworth reported H. J. M. No. 4 back to the House, with a recommendation that the same do pass.

Report received.

Mr. Wentworth, of the Conference Committee, reported back to the House H. B. No. 19, with a recommendation that Sections 2 and 4 of said bill stand as in the original bill, without amend-

ment, and that Section 3 be only amended so as to read "one" before "mills" in third line of said section.

Report received.

Mr. Comly reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred H. J. M. No. 2, and Council substitute to the same, have carefully examined them, and are satisfied that the memorial originating in the House is better intended to inform Congress as to the justice of the demands therein contained, than the Council substitute, for the reason, that the House memorial fully delineates and describes all the facts necessary to be brought to the attention of Congress, whilst the Council substitute is entirely indefinite and vague, and resembles more a prayer to the Almighty than a petition of right to those elected by the people to pass just laws. Your Committee therefore recommend that the House do not concur in the Council substitute, and request that body to recede from the same.

Report received.

Mr. Brison reported as follows:

MR. SPEAKER—The Committee of the Whole, to whom was referred C. B. No. 11, have had the same under consideration, and made some amendments thereto, and report the same back to the House, with the recommendation that the same pass as amended. Amend Sec. 1 by striking out the words "native Indians of Montana Territory."

A. W. BRISON, *Chairman*.

Report received.

Previous notice having been given, Mr. Lowry introduced H. B. No. 38, "An Act concerning boats," which was read first and second time, and referred to Judiciary Committee.

Previous notice having been given, Mr. Stapleton introduced H. B. No. 39, "An Act to repeal Sections 35, 36, 37, and 38, of an act entitled an act concerning crimes and punishments." Read first and second time, and referred to the Judiciary Committee.

On motion of Mr. Comly, the House refused to concur in the adoption of Council substitute for H. J. M. No. 2, and instructed the Clerk of the House to respectfully request the Council to recede therefrom.

H. J. M. No. 4, asking Congress to extinguish the Indian title to the Bitter Root Valley, was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Absent—Mr. Donegan.

Title agreed to.

On motion of Mr. Stewart, the amendments to C. B. No. 23, reported by the Judiciary Committee, were adopted.

On motion of Mr. Stapleton, the following amendment to C. B. No. 23 was adopted: Add to Sec. 2, "Provided that nothing herein contained shall affect or in any wise apply to actions now pending in any of the courts of Montana Territory."

The following communication was received from the Council:

That the President has appointed Messrs. Bagg and Dance, as the committee on the part of the Council, to act with a like committee from the House, to examine the books of the Territorial Auditor and Territorial Treasurer.

C. C. MENAUGH, *Chief Clerk*.

On motion of Mr. Stewart, C. B. No. 23, "An Act to authorize county clerks to administer oaths, and for other purposes," was read third time, and passed, as amended, by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Estis, Findlay, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—20.

Nays—Messrs. Donegan, Ellis, and Mr. Speaker—3.

Absent—Mr. Hicks.

Title agreed to.

Mr. Menaugh, Chief Clerk of the Council, communicated to the House, that H. J. M. No. 5 had passed the Council.

H. J. M. No. 5 was ordered enrolled.

On motion of Mr. Stewart, the House resolved itself into a Committee of the Whole, to consider the Governor's Message.

Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Ellis, Chairman of the Committee of the Whole, was granted time to make report.

On motion of Mr. McLaughlin, the report of the Committee of Conference upon H. B. No. 19 was adopted.

Mr. Stewart moved to make H. B. No. 19 the special order for 3 P. M. to-day.

Motion lost.

On motion of Mr. McLaughlin, the bill was adopted as amended.

H. B. No. 16, "An Act to amend an act providing increased compensation to the officers of Montana Territory," was read third time, and passed by the following vote:

Ayes—Messrs. Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, Powers, Shafer, Stapleton, Stewart, Strickland, and Mr. Speaker—13.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, McLaughlin, Rhodes, Sweeney, Wentworth, and Wilson—10.

Absent—Mr. Brison.

Title agreed to.

H. B. No. 36, "An Act to regulate appeals from the probate court to the district courts of Montana Territory," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—22.

Absent—Messrs. Brison and Kerly.

Title agreed to.

On motion of Mr. Powers, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Ellis, the resolution as reported by Joint Committee on the Oregon Resolution, was adopted.

The following message was received from the Council:

That H. C. R., in relation to the appointment of a committee to report whether or not any amendments to the school law are necessary, and if so, to report a bill to that effect, has passed the Council, and that the President has appointed, on the part of the Council, Messrs. Bagg, Cullen, and George.

C. C. MENAUGH, *Chief Clerk*.

Mr. Ellis reported as follows:

MR. SPEAKER—I am instructed by the Committee of the Whole, who have considered the Governor's Message, to recommend that the various subjects treated therein by His Excellency the Governor, be respectively referred as follows:

That portion referring to auditor and treasurer, to the Committee on Finance.

Those referring to the California practice act, pay of jurors and witnesses, executors, wills, attachments, limitations, jurors, and fugitives from justice, to the Judiciary Committee.

Those parts referring to legislative and federal officers, territorial immigration, biennial sessions, Russian purchase, past and present, Presidential election, to the Committee on Territorial Affairs.

Those portions referring to school law, University of Montana, and Historical Society, to the Committee on Education.

Those parts referring to quartz and placer mining, geological survey, district and mining laws, to Committee on Mines and Minerals.

That part referring to Pacific railroad, to Committee on Roads and Highways.

The subject of Indian treaties to the Committee on Indian Affairs.

And that portion referring to the penitentiary to the Committee on Federal Relations.

J. M. ELLIS, *Chairman.*

On motion of Mr. Stewart, the report was adopted, and the message referred to the respective committees, as recommended by the Committee of the Whole.

On motion of Mr. McLaughlin, the report of the Committee of the Whole, upon C. B. No. 11, "An Act to regulate and license foreign miners," was adopted.

Mr. McLaughlin offered the following amendments:

Amend Section 3, after the word "of;" second line, strike out the word "two" and insert the word "four;" strike out the figure "2," same line, and insert the figure "4."

Mr. Donegan was called to the chair.

On motion of Mr. McLaughlin, the bill as amended was adopted.

Mr. Speaker in the chair.

Mr. Ellis moved to refer the bill, with amendments, to a Select Committee.

Motion lost.

Mr. Ellis moved a call of the House.

Roll called—absent, Mr. Powers.

Mr. Powers reported in his seat; a further call of the House was dispensed with.

On motion of Mr. Stewart, C. B. No. 11, "An Act to regulate and license foreign miners," was read third time, and passed by the following vote:

Ayes—Messrs. Barnes, Brison, Comly, Cooper, Donegan, Findlay, Kerly, McLaughlin, Rhodes, Stewart, Strickland, Sweeney, and Mr. Speaker—13.

Nays—Messrs. Alexander, Ellis, Estis, Hicks, Higley, Lowry, Powers, Shafer, Stapleton, Wentworth, and Wilson—11.

Title agreed to.

Mr. McLaughlin gave notice that he would, on to-morrow, move to reconsider the vote by which C. B. No. 11 was passed.

On motion of Mr. Comly, H. B. No. 30 was referred to a Select Committee of three; Messrs. Comly, Shafer, and Wilson, were appointed such committee.

Mr. Ellis was called to the chair.

Mr. Mayhew introduced H. B. No. 40, "An Act for the relief of D. P. Newcomer." Read first and second time, and referred to Committee on Ways and Means.

On motion of Mr. Mayhew, the House adjourned until to-morrow morning at 10 o'clock.

A. E. MAYHEW,
Speaker

R. E. ARICK,
Chief Clerk.

TWENTY-FOURTH DAY.

DECEMBER 30, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Higley presented a petition from citizens of Jefferson county in relation to the county seat thereof.

On motion of Mr. Stewart, the reading of the petition was dispensed with, and referred to a Select Committee of two, composed of the members of Jefferson county—Messrs. Stewart and Higley.

Mr. Lowry, chairman of the Committee on Indian Affairs, reported as follows:

MR. SPEAKER—Your Committee on Indian Affairs, to whom was referred H. J. M. No. 3, being a memorial praying for a reconsideration of the treaty with the Crow Indians, have had the same under consideration, and beg leave to report as follows: We have carefully examined this treaty, a copy of which was kindly furnished by the Acting Governor, and find that it sets apart to the exclusive use of the Crow Indians, all that portion of the public domain lying between the 107th meridian west from Greenwich, and the Yellow Stone river on the north and west, and the southern boundary of Montana. It provides further, that no white man shall reside upon or even pass over any part of this reservation. By referring to the map of this Territory, it will be seen that Emigrant Gulch, and other mines now being worked, are included in the large and valuable tract thus injudiciously taken from the farmer and miner, and given to the non-productive

savages ; and your Committee will take occasion, at this point, to deplore the careless or criminal neglect of the interests of white men, so commonly displayed by those intrusted by the Government with the duty of concluding treaties with the various tribes, which should be drawn with a view to protect the rights of all parties concerned.

It appears to your Committee, that the true policy in placing Indians upon reservations, should be to separate them as far and as completely as possible, from the white settlers of the Territory. We regard the giving up of the valley of the Yellow Stone to the Crows, as an outrage upon the people who were at that time in possession of the mines thereon, as well as upon the Territory at large, and more particularly upon the county of Gallatin, and we cannot but admire the mild language, moderate representations, and dignified tone of this memorial, coming as it does from this much injured section.

Your Committee are glad to know that their views fully accord with those of Acting Governor Tufts, who had seen the necessity of either a supplementary treaty, or a revision of the one already existing, and has commended the subject to the attention of the legislature.

We, therefore, report the memorial back to the House, with the recommendation that it pass.

M. P. LOWRY, *Chairman.*

Report received.

Mr. Alexander reported H. B. No. 33, H. J. M. No. 1, and H. J. M. No. 5, correctly enrolled.

Report received.

Mr. Cooper, chairman of the Committee on Roads and Highways, reported back to the House C. B. No. 20, recommending the following amendment of section 1, by adding after "highway," "And any person or persons collecting toll on the said Mullen road shall be deemed guilty of a misdemeanor, and on conviction before any court of competent jurisdiction, shall be fined in any sum not less than twenty-five nor more than one hundred dollars, and be adjudged to pay all costs of prosecution ;" and recommend that the bill pass as amended.

Report received.

The following notices were given of the introduction of bills :

By Mr. Ellis, a bill to repeal "An Act to prevent the sale of intoxicating liquors to soldiers."

By Mr. Estis, "An Act to appropriate the sum of \$25,000 for the purpose of laying out and building a road from Silver Star, in Madison county, to the summit of the Rocky Mountains, on Medicine Lodge Creek."

By Mr. Shafer, "A Bill to make the sheriff of Gallatin county ex-officio treasurer of said county."

By Mr. Wilson, "An Act to change the name of Farmington."

Previous notice having been given, Mr. Kerly introduced H. B. No. 41, "An Act to amend an act relating to the discovery of gold and silver quartz lodes or ledges, and of the manner of their location."

Read first and second time, and referred to Committee on Mines and Minerals.

By leave, Mr. McLaughlin introduced H. B. No. 42, "An Act to amend an act defining the duties of Territorial Treasurer of the Territory of Montana."

Read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Excused—Mr. Ellis.

Title agreed to.

Mr. Donegan offered the following resolution :

Resolved, By the House, the Council concurring, That a Joint Committee of two from each House, be appointed to examine the election law, and report whether any amendments are necessary, and if so, to submit a bill to that effect.

Adopted.

Messrs. Donegan and Powers were appointed such Committee.

C. B. No. 20, "An Act to declare the Military or Mullen road a public highway," was taken up, and the amendments of the Committee on Roads and Highways thereto adopted.

Bill adopted as amended.

Read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Higley, Hicks, Kerly, McLaughlin, Powers, Rhodes, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—21.

Nays—None.

Absent—Messrs. Lowry, Shafer, and Sweeney.

Title agreed to.

Mr. Brison reported as follows:

MR. SPEAKER—Your Committee on Incorporations, to whom was referred C. B. No. 18, entitled "An Act to amend an act entitled an act to provide for the formation of corporations for certain purposes, approved December 13, 1867," desire to submit the following considerations to the House for their action:

Your Committee find from the records of the House, that a Bill known as H. B. No. 29, amending the General Incorporation Act of the last session, passed this House and was sent to the Council for their action on the 23rd inst. Your Committee have further examined the Bill passed by the House and compared it with the Council Bill under consideration, and find that the former is more concise and explicit in its provisions than the latter; while the latter is uncertain and does not cover all the ground intended, the former is minute in its details, and has stricken out all the objectionable features of the original act relating to wagon roads, bridges, and fences.

Furthermore, your Committee do not believe that the Council have acted, either courteously or in a parliamentary manner towards this House, from the fact that the Council had in its possession H. B. No. 29, the act referred to above, on the 23rd inst., while the Bill they send us, particularly covering the same ground, did not pass the body for four or five days after.

Your Committee would therefore recommend that C. B. No. 18 be laid on the table, and that the following resolution be adopted by the House :

Resolved, By the House, That the Council be requested to inform this body as to the condition of H. B. No. 29, the same having been sent to the Council on the 23rd inst. for their action ; that the Council further be requested to inform this body whether any action has been taken on the same, and if so, what action.

A. W. BRISON, *Chairman*.

Report received.

On motion of Mr. Comly, the report and accompanying resolution was adopted.

Mr. Ellis was called to the chair.

Mr. Mayhew gave notice of the introduction of "A Bill regulating the working of lode claims between miners."

On motion of Mr. Lowry, the report of the Committee upon H. J. M. No. 3 was adopted ; the memorial read third time and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—24.

Nays—None.

Title agreed to.

Mr. McLaughlin withdrew his notice of a motion to reconsider the vote by which C. B. No. 11 was passed.

On motion of Mr. Mayhew, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

By leave, Mr. Powers introduced H. B. No. 43, "An Act to secure liens to teamsters, laborers, and wagon masters," which was read first and second time, and referred to Judiciary Committee.

Mr. Wilson introduced H. B. No. 44, "An Act to change the name of the town of Farmington."

Read first and second time, rules suspended, read third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Strickland, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Absent—Mr. Kerly.

Title agreed to.

Mr. Comly, chairman of the Committee on Territorial Affairs, reported :

MR. SPEAKER—Your Committee on Territorial Affairs, to whom was referred H. B. No. 37, "An Act amendatory of an act relating to counties and county officers, approved February 9, 1865," respectfully report that they have duly considered the same, and recommend the passage thereof, with the following amendment :

Amend Section 2, by inserting between the words "fund" and "to," in the fifth line, the words "which shall be known as the contingent fund."

H. R. COMLY, *Chairman*.

Report received and adopted. Bill adopted as amended, and referred to a Select Committee of three—Messrs. McLaughlin, Comly, and Stewart.

Mr. Ellis was called to the chair.

Mr. Mayhew gave notice of the introduction of a bill "To establish a miners' hospital for the Territory of Montana."

Also, a bill "To re-apportion the representation in the Legislature of the Territory."

On motion of Mr. Mayhew, the House adjourned until tomorrow morning at 10 o'clock.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

TWENTY-FIFTH DAY.

DECEMBER 31, 1868.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Members all present.

Minutes of yesterday read and approved.

Mr. Alexander reported H. B. No. 33, H. J. M. No. 1, H. J. M. No. 5, handed the Governor for his approval Dec. 31, 1868, at 9 A. M.

Report received.

Mr. Stapleton, chairman of the Judiciary Committee, reported as follows:

Your Judiciary Committee, to whom was referred H. B. No. 43, "An Act to secure liens to teamsters, laborers, and wagon masters," have examined the same, and believe that while mechanics, ranchmen, lawyers, and laborers in mines and other branches of industry are fully protected by liens for their services, that it is only common justice to secure the teamster and driver also, by giving him a lien on the team in his possession.

Your Committee, therefore, recommend the passage of the bill with the following amendments. Amend Section 2, so as to make it read as follows:

"SECTION 2. That each teamster shall have a lien upon the particular team and wagon driven by him, or being in his charge or

possession, for the full amount of wages due such teamster while in such service, and said team and wagon shall be holden for such wages, and such lien shall continue so long as such teamster is in actual or constructive possession of the same."

Amend Section 4, by inserting "or" in second line, after "teams," and strike out the words "or freight bills," after the word "wagons," in the third line.

Add to Section 4, in last line, after "paid," the words "together with all costs and charges for keeping and feeding such team or teams."

G. W. STAPLETON, *Chairman*.

Report received.

Mr. McLaughlin reported back to the House H. B. No. 37, recommending the following amendments thereto:

Strike out Section 1; amend Section 2; insert after the word "aside," fourth line, "a sum of not less than one, nor more than." Strike out all after the word "county," in sixth line. After the word "find," in fifth line, insert the word "annually." Make Section 2, Section 1; Section 3, Section 2; Section 4, Section 3; Section 5, Section 4; Section 6, Section 5.

Your Committee have, after due deliberation, deemed it necessary that a contingent fund should be created in each county for incidental expenses, for the reason that by creating such fund the county commissioners could purchase the necessary stationery, lights, fuel, etc., for the use of the different county offices, at a much less cost than by issuing warrants for the payment of the same.

With the amendments suggested by your Committee, they would recommend the passage of the bill.

J. McLAUGHLIN, *Chairman*.

Report received.

The following communication was received from the Council:

That H. C. R., in relation to requesting the Secretary of Montana to transmit to the Secretary of Oregon, for their Legislature, a copy of the report of the House Committee on Federal Relations, in answer to their communication, has passed the Council.

Also, that the Council has refused to concur in the House amendments to C. B. No. 23, "An Act authorizing county clerks to administer oaths, and for other purposes," and respectfully ask the House to recede therefrom.

Also, that the Council has refused to recede from Council substitute for H. J. M. No. 2, asking Congress for an appropriation of \$1,100,000 to liquidate military debts, and has appointed Messrs. Cullen and Bagg a Committee of Conference on the part of the Council.

Also, that C. C. R., "In relation to the Joint Committee appointed to examine the books and accounts of the Territorial Auditor and Treasurer," has passed the Council.

Also, that H. B. No. 31, "An Act to amend the punctuation of an act concerning limitations," has been lost in the Council.

Also, that the Council has adopted the amendments of the Conference Committee to H. B. No. 19, "An Act concerning public highways."

Also, that C. J. M. No. 2, "Asking Congress for an appropriation for a geological survey," has passed the Council.

Also, that H. B. No. 29, "An Act to amend an act to provide for the formation of corporations for certain purposes," has been lost in the Council.

Also, that Mr. Mitchell introduced C. B. No. 26, "An Act for the relief of Addison Smith, Treasurer of Deer Lodge county."

Also, that H. B. No. 26, "An Act to legalize the district records of Jefferson county," has passed the Council.

C. C. MENAUGH, *Chief Clerk.*

Previous notice having been given, Mr. Shafer introduced H. B. No. 45, "An Act to make the sheriff of Gallatin county ex officio treasurer of said county."

Read first and second time, and referred to a Special Committee of four—Messrs. Shafer, Higley, Ellis, and Strickland.

Mr. Ellis introduced H. B. No. 46, "An Act to repeal an act to prevent the sale of intoxicating liquors to soldiers."

Read first and second time, and referred to a Select Committee of three—Messrs. Ellis, Shafer, and Wilson.

The following message was received from the Governor :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, December 30, 1868. }

To the House of Representatives :

I have to inform your honorable body that I have approved H. B. No. 8, "An Act entitled an act creating the office of clerks of probate." Also, H. B. No. 9, "An Act concerning stallions." Also, H. B. No. 10, "An Act relating to fires, and the protection of timber and grasses." Also, H. B. No. 23, "An Act to prevent the unlawful driving away of cattle and other stock, by drovers and others." Also, H. B. No. 27, "An Act to amend an act entitled an act supplementary to an act entitled an act amendatory of an act entitled An act regulating the holding of elections in Montana Territory, approved Nov. 22, 1867."

Very respectfully,

JAMES TUFTS,

Acting Governor.

On motion of Mr. Stewart, the following resolution was adopted :

Resolved, That the Sergeant-at-Arms be and is hereby instructed to make inquiry in reference to the printing of the Territorial Treasurer's Report, and if printed, to furnish the same to the members of this House.

C. C. R., "Authorizing the committee appointed to examine the books of the Auditor and Treasurer to appoint a clerk," was passed by the House.

H. J. M. No. 2 was taken up, and Messrs. Comly and Sweeney were appointed, on the part of the House, to confer with the Council in relation to the difference existing therein.

On motion of Mr. Stewart, the House refused to concur in Council amendments to H. B. No. 26, and that the Council be respectfully requested to recede therefrom.

C. J. M. No. 2 was read first and second time, and referred to the Committee on Mines and Minerals.

On motion of Mr. Comly, the House refused to recede from their amendments to C. B. No. 23.

On motion of Mr. Barnes, the amendments reported to H. B. No. 37, by the Select Committee, were adopted by the following vote :

Ayes—Messrs. Barnes, Brison, Comly, Cooper, Estis, Findlay, Higley, Hicks, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—20.

Nays—Alexander, Donegan, Ellis, and Rhodes—4.

On motion of Mr. Barnes, the bill, as amended, was adopted.

The Sergeant-at-Arms reported as follows :

MR. SPEAKER—In compliance with your resolution, I have waited upon the proprietor of the *Tri-Weekly Democrat*, who informs me that he awaits orders from the Committee on Printing.

O. P. THOMAS, *Sergeant-at-Arms*.

The following communication was received from the Council :

That C. J. R., in relation to adjournment until January 2, 1869, has passed the Council.

C. C. MENAUGH, *Chief Clerk*.

On motion of Mr. Powers, the amendments to H. B. No. 43, reported by the Judiciary Committee, were adopted.

The bill, as amended, was adopted, and ordered engrossed for third reading.

Mr. Stewart reported as follows :

MR. SPEAKER—Your Committee of Conference, appointed to confer with the Committee of the Council, to take into consideration the House amendments to C. B. No. 3, have discharged their duty, and recommend that the Council recede from their non-concurrence to said amendments.

Respectfully submitted.

W. STEWART, *Chairman*.

Report received and adopted.

On motion of Mr. McLaughlin, C. C. R. to adjourn was laid on the table until Saturday morning, January 2, 1869, at 10 o'clock.

On motion of Mr. Comly, C. B. No. 18, "An Act to amend an act to provide for the formation of corporations for certain purposes," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donagan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Sweeney, Wentworth, Wilson—20.

Nays—Messrs. Lowry, Stewart, Strickland, and Mr. Speaker—4.

The title agreed to.

On motion of Mr. Lowry, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

H. B. No. 19 was ordered enrolled.

On motion of Mr. Powers, the House adjourned until Saturday morning, at 10 o'clock, January 2, 1869.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

TWENTY-SEVENTH DAY.

JANUARY 2, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of Thursday read and approved.

Mr. Comly reported H. B. No. 43, and H. B. No. 37, correctly engrossed.

Report received.

Mr. Lowry gave notice of the introduction of "An Act to repeal an act to prohibit the sale of ardent spirits, firearms, or ammunition to Indians."

Previous notice having been given, Mr. Ellis introduced H. B. No. 47, "An Act to establish a territorial insane asylum and hospital."

Read first and second time, and ordered printed.

Mr. Stapleton introduced H. B. No. 48, "An Act to legalize certain acts of the county clerks within and for Montana Territory."

Read first and second time, and referred to Committee on Judiciary.

By leave, Mr. McLaughlin introduced H. B. No. 49, "An Act to authorize the territorial auditor to issue a duplicate warrant in lieu of warrant No. 248, 3rd series, to E. W. Haskell."

Read first and second time, and referred to Committee on Ways and Means.

Previous notice having been given, Mr. Alexander introduced H. B. No. 50, "An Act declaratory of the rights of attorneys and counselors-at-law to collect their fees."

Read first and second time, and referred to Committee on Judiciary.

Without previous notice, Mr. Barnes introduced H. B. No. 51, "An Act regulating the fees of officers, jurors, and witnesses, and to repeal an act regulating the fees of officers, jurors, and witnesses, approved February 9, 1865."

Read first and second time, and ordered printed.

Mr. Stapleton reported as follows :

Mr. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 38, "An Act concerning boats," have had the same under consideration, and believe the passage of the bill necessary, in order to secure deck hands and others who are without remedy as our law now stands. The summary mode of proceeding prescribed in the bill would not probably be expedient if applied to any other species of property, but owing to the transitory character and business of boats, it appears to be about the only way of coming at them.

Your Committee, therefore, report said bill back to the House, with the following amendment, and recommend its passage as amended :

Strike out all after the word "appendages" in Section 13.

G. W. STAPLETON, *Chairman*.

Report received.

Mr. Comly introduced H. J. R. No. 3, appropriating money for the relief of Thomas B. Wade.

Read first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Stewart, the following resolution was adopted :

Resolved, That the Secretary of the Territory communicate to this House in writing—

First. The amount of appropriations by the General Government to the Territory of Montana, for legislative purposes for the year A. D. 1868.

Second. The amount of appropriations by the General Government to the Territory of Montana, for the payment of vouchers issued by Secretary Meagher.

Third. The amount of claims allowed and ordered paid, of the vouchers issued by the said Secretary Meagher.

Fourth. The amount of appropriations for legislative purposes for the year A. D. 1868, now in the Territory, and when and by whom drawn from the General Government.

Fifth. At what time will it be convenient for said Secretary to pay the members of the Legislative Assembly for their services at the extra session of the Legislature of A. D. 1867, also, to pay the members of the present session.

On motion of Mr. Ellis, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

H. B. No. 37, "An Act amendatory of an act relating to counties and county officers, approved Feb. 9, 1865," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Estis, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Strickland, Wentworth, Wilson, and Mr. Speaker—20.

Nays—Messrs. Ellis and Hicks—2.

Absent—Messrs. Findlay and Comly.

Title agreed to.

H. B. No. 43, "An Act to secure liens to teamsters, laborers, and wagon masters," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—22.

Nays—None.

Absent—Messrs. Findlay and Lowry.

Title agreed to.

On motion of Mr. Ellis, the amendments to H. B. No. 38 were adopted.

On motion of Mr. Powers, the bill, as amended, was adopted, and ordered engrossed.

Mr. Ellis submitted the following report:

MR. SPEAKER—Your Select Committee, appointed to consider H. B. No. 46, having duly considered the same, report: We do not intend to encourage the sale of spirituous liquors to soldiers, for in doing so, the necessary discipline could not be maintained, and its tendency would perhaps mar the security and property of citizens, wherefore we think that any one so lost to the interest of a community should be punished, but since the laws of Congress relating to armies fully cover the offense, we do not think it necessary to have a law on our statute book, whereby, for a rare offense of this kind, our Territory should be burdened with the expense of an unsuccessful prosecution. Wherefore, we respectfully recommend the passage of the bill.

J. M. ELLIS, *Chairman Select Committee.*

Report received, adopted, and committee discharged.

On motion of Mr. Ellis, the bill was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Brison, Comly, Cooper, Donegan, Estis, Ellis, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Sweeney, and Wentworth—17.

Nays—Messrs. Barnes, Hicks, Rhodes, Strickland, Wilson, and Mr. Speaker—6.

Absent—Mr. Findlay.

Title agreed to.

Mr. Ellis was called to the chair.

Previous notice having been given, Mr. Mayhew introduced H. B. No. 52, "An act in relation to lead mining."

Read first and second time, and referred to Committee on Mines and Minerals.

Mr. McLaughlin reported back to the House, without amendment, C. J. M. No. 3, and recommended its passage.

Report received. Memorial read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Absent—Mr. Findlay.

Title agreed to.

Mr. Stapleton reported as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 35, "An Act to amend Section 143 of the civil practice act," have had the same under consideration, and after a careful examination have become satisfied, that although said act might work advantageously in some particular cases, that in a majority of cases it would result badly, and be the means of giving the litigant who might be the subject of litigation, a great and dangerous advantage, rendering the court powerless to interfere to promote the ends of justice and right.

Your Committee also think that the bill takes from the courts that discretionary equity power which is indispensable to the maintenance of right, and the prevention of wrong and injustice. They therefore report said bill back to the House, with the recommendation that it do not pass.

G. W. STAPLETON, *Chairman*.

Report received and adopted.

On motion of Mr. Mayhew, H. B. No. 35 was laid on the table indefinitely.

Mr. McLaughlin appealed from the decision of the chair. The chair was sustained by the following vote:

Ayes—Messrs. Brison, Comly, Donegan, Estis, Hicks, Higley, Kerly, Lowry, Stapleton, Stewart, Strickland, Sweeney, and Mr. Speaker—13.

Nays—Messrs. Alexander, Barnes, Cooper, McLaughlin, Powers, Rhodes, Shafer, Wentworth, and Wilson—9.

Absent—Mr. Findlay.

Mr. Kerly reported as follows :

Your Committee on Printing have, in compliance with an order of the House, had 500 copies of the Territorial Treasurer's Annual Report printed for the use of the members of the House.

J. C. KERLY, *Chairman*.

Report received.

Mr. Donegan introduced H. J. M. No. 6, "Asking Congress to amend the organic act of the Territory of Montana."

Read first and second time, and referred to Committee on Judiciary.

On motion of Mr. Mayhew, the House adjourned until 10 o'clock A. M. on Monday.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

TWENTY-NINTH DAY.

JANUARY 4, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of Saturday read and approved.

Mr. Ellis presented a petition from citizens of Lewis and Clarke county, asking for the establishment of an Insane Asylum and Hospital, which was referred to the Committee on Territorial Affairs.

Mr. Alexander reported H. B. No. 19 correctly enrolled.

Report received.

Mr. Kerly reported H. B. No. 47 correctly printed.

Report received.

Mr. Rhodes, chairman Committee of Ways and Means, reported as follows:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 12, do report as follows: That they have examined the said bill and account accompanying the same, and after giving them due consideration, find the charges in said account to be exorbitant, and therefore recommend that it be amended by striking out the sum of "nine hundred and ninety-eight 84-100 dollars," in section first, and insert, in lieu thereof, the sum of five hundred and forty-nine 50-100 dollars; and with said amendment, your Committee do recommend that the bill pass.

Also, your Committee on Ways and Means, to whom was referred H. B. No. 49, beg leave to report that they have had the same under consideration, and find there is no law by which the Treasurer is authorized to pay E. W. Haskell, and are of the

opinion that the relief asked should be granted, and would recommend that it do pass, with the following amendment: Strike out the word "Auditor" in section 2, first line, and insert the word "Treasurer."

J. W. RHODES, *Chairman.*

Report received.

Also, the following, upon H. B. No. 40:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 40, ask leave to make the following report: That they have examined and considered the same, and have come to the conclusion, that the Territory is not responsible for, and should not pay the amount asked for in said bill, and do respectfully recommend that it do not pass.

J. W. RHODES, *Chairman.*

Report received.

Mr. Stewart, of the Judiciary Committee, reported H. B. No. 48 back to the House, with a recommendation that the same do pass without amendment, and further reported.

We find, upon an examination, that the county clerks of the various counties in the Territory have, since the organization of the same, taken acknowledgments of deeds, contracts and conveyances, without authority of law; that we believe the same has been done on the part of such clerks in good faith, believing that they were authorized so to do, by virtue of their office. It is the opinion of your Committee, that unless the acts of such clerks are legalized, much unnecessary expense and trouble will accrue to innocent parties, being compelled to have such deeds, contracts and conveyances acknowledged and recorded again. It is further the opinion of your Committee, that unless the said acts of such clerks are legalized, great injustice and wrong might be done to innocent parties by new deeds, contracts and conveyances being made out and acknowledged in due form of law, conveying the property to different parties from the original contract, thereby causing losses, litigation and expense to innocent parties.

All of which is respectfully submitted.

W. STEWART, *Chairman.*

Report received.

Mr. Stapleton reported as follows :

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 50, "An Act declaratory of the rights of attorneys and counselors at law, to collect their fees," have had the same under consideration, and after a careful examination of its provisions, find that it is intended to authorize and empower persons who were not attorneys to collect attorney's fees for services. Said bill also seeks to, and would have the effect of (if binding at all) changing the legal relations of parties to each other, making those liable for services performed who were not under the law liable before. It also provides (at least by inference), that those who were not legally admitted or licensed to practice in the courts of this Territory, may sue for and collect fees for their services, but that those who were legally admitted and their license signed by two sureties of the Supreme Court shall not so sue for, and collect their fees for like services.

Your Committee also believe that the Legislative Assembly have no legal right or power by any enactment to change the liability of any party or parties to each other, and that if said bill should pass and become a law, being "ex post facto" in its nature, it would remain a nullity and an incumbrance upon the statute book, the entire object and bearing being retrospective, affecting alone what is past and in no way referring to the future.

Your Committee therefore report said bill back to the House, with the recommendation that it be indefinitely postponed.

G. W. STAPLETON, *Chairman Judiciary Com.*

Report received.

Mr. Sweeney, chairman Committee on Education, reported :

MR. SPEAKER—Your Committee on Education have had under consideration that part of the Governor's message referring to the school law, and to the University of Montana, and respectfully report, that they have given careful attention to the recommendations therein contained, and would suggest to the House immediate action on the same, believing that a complete and thorough change of our school system at present in force, is needed and demanded

by the Territory in order that the advantages of a thorough education may be presented to all.

It is the opinion of your Committee, that a system of public education, comprising the highest as well as the most ordinary branches, should be adopted by this Territory, as we believe that all the advantages enjoyed in education by the children of the most wealthy should be open, through merit, to the poorest child of the poorest American citizen ; and we believe it is the duty of free born Americans to consider all children, whether wealthy or indigent, the children of the nation, and to take as much care of the bright-eyed boy or girl of the laborer, in the matter of education, as falls to the lot of the child of the millionaire. Your Committee would therefore suggest, that the attention of the Joint Committee appointed to inquire into the present school system, and to report amendments thereto, be earnestly directed to this matter, and that they report a law, instituting a University to be known as "The Central High School of the Territory of Montana," which should be an entirely public institution, to be supported wholly by taxation, open and free to all children of American citizens.

Your Committee would recommend the adoption of the Governor's suggestion in regard to memorializing Congress for an appropriation for the Historical Society, and would respectfully suggest, that the Joint Committee be instructed to report a memorial to that effect, believing, with the Governor, that the importance of this institution to the Territory is incalculable.

J. M. SWEENEY, *Chairman.*

Report received.

Mr. Comly, chairman of Committee of Conference, reported as follows :

MR. SPEAKER—Your Committee of Conference with the Council, who have had under consideration H. J. M. No. 2, and Council substitute for the same, respectfully report, that the Joint Committee have agreed upon a substitute for both, and request the respective Houses to adopt the same.

H. R. COMLY, *Chairman.*

Report received and adopted.

The following notices of the introduction of bills were given :

By Mr. Donegan, "An Act amendatory of an act entitled an act relating to counties and county officers."

By Mr. Lowry, "An Act to amend an act entitled an act to prevent the collection of illegal tolls."

By Mr. Comly, a bill to amend "An Act amendatory of an act to locate the seat of Government of Montana Territory, approved January 5th, 1869."

The following communication was received from the Council :

That H. B. No. 26, "An Act entitled an act to legalize the records of Jefferson county," has passed the Council, with amendments.

Also, that H. B. No. 44, "An Act to change the name of the town of Farmington," has passed the Council.

Also, that H. B. No. 21, has passed, with amendments.

Also, that the Council has concurred in the House amendments to C. B. No. 20, "An Act to declare the Military or Mullen road a public highway."

Also, that the Council refuses to concur in the House amendments to C. B. No. 11, "An Act to regulate and license foreign miners," and respectfully asks the House to recede therefrom.

I am also instructed by the Council to respectfully request your honorable body to return to the Council H. B. No. 19, "An Act concerning public highways."

C. C. MENAUGH, *Chief Clerk.*

Previous notice having been given, Mr. Lowry introduced H. B. No. 53, "An Act to prohibit the sale of ardent spirits and firearms to Indians," which was read first and second time, and referred to the Committee on Indian Affairs.

Mr. Stapleton introduced H. B. No. 54, "An Act to amend an act concerning crimes and punishments." Read first and second time, and referred to the Judiciary Committee.

H. B. No. 44 was ordered enrolled.

On motion of Mr. Stewart, House receded from their amendments to C. B. No. 11, "An Act to regulate and license foreign miners."

On motion of Mr. Donegan, House concurred in Council amendments to H. B. No. 21, and the bill ordered enrolled.

Mr. Alexander reported H. B. No. 19, handed the Governor at 11 this A. M.

Report received.

The Chief Clerk was instructed to inform the Council that the amendments proposed by the Council were adopted, the bill enrolled, and is now in the hands of the Governor.

Without previous notice, Mr. Stapleton introduced H. B. No. 55, "An Act to amend section 5 of an act entitled an act concerning crimes and punishments." Read first and second time, and referred to Committee on Judiciary.

Mr. Comly reported as follows:

MR. SPEAKER—Your Committee, to whom was referred H. B. No. 30, "An Act to amend an act entitled an act to provide for the laying out and establishing a Territorial road from Bozeman City, in Gallatin county, to Helena, in Edgerton county," respectfully report, that they have duly considered the same, and believing the establishment of said road would be of great benefit to that portion of our territory between Helena and Bozeman, your Committee therefore recommend that the bill pass, with the following amendment:

Amend section 2, by adding after the word "road," the following: "And said commissioners shall be allowed a per diem for every day actually engaged on the said road, the sum of five dollars."

H. R. COMLY, *Chairman Select Com.*

Report received.

On motion of Mr. Wilson, the report was adopted, and the Committee discharged.

On motion of Mr. Stewart, H. B. No. 30 was made the special order for 2½ o'clock this P. M., to be considered in Committee of the Whole.

The Chief Clerk was instructed to return to the Council H. B. No. 26, for a correct communication in regard to the action taken thereon by the Council.

On motion of Mr. McLaughlin, H. B. No. 47 was referred to a Select Committee of five—Messrs. McLaughlin, Ellis, Hicks, Stapleton, and Wilson.

On motion of Mr. Stewart, H. B. No. 12, with amendments, was referred to a Select Committee of three—Messrs. Stewart, Higley, and Ellis.

H. B. No. 48, "An Act to legalize certain acts of the county clerks within and for Montana Territory," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Estis, Findlay, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—20.

Nays—None.

Absent—Messrs. Comly, Hicks, Lowry, and Mr. Speaker—4.

The title was agreed to.

The following communication was received from the Governor, through O. O. Cullen, his Private Secretary :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, December 31, 1868. }

To the House of Representatives:

I have to inform your honorable body that I have approved H. J. M. No. 1, praying Congress for an appropriation for the establishment of a branch mint in the Territory of Montana. Also, H. J. M. No. 5, asking for the construction of a military road from Muscleshell to Fort Ellis. Also, H. B. No. 33, "An Act for the relief of the Masonic fraternity of Virginia City."

Very respectfully,

JAMES TUFTS,
Acting Governor.

On motion of Mr. Brison, the substitute reported by the Joint Committee for H. J. M. No. 2, was adopted.

On motion of Mr. Brison, H. B. No. 50 was indefinitely postponed.

On motion of Mr. McLaughlin, the amendments to H. B. No. 49 were adopted.

On motion of Mr. Brison, the bill, as amended, was adopted, and ordered engrossed.

On motion of Mr. Stewart, H. B. No. 40 was referred to a Select Committee of three—Messrs. Stewart, Higley, and Ellis.

Mr. Wilson introduced H. B. No. 56, "An Act to amend an act establishing a common school system for the Territory of Montana," which was read first and second time, and referred to a Joint Committee on Elections.

On motion of Mr. Brison, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Comly, the House resolved itself into Committee of the Whole, to consider H. B. No. 30. Mr. Brison in the chair.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council :

That Mr. Dance introduced C. B. No. 28, "An Act creating the office of Territorial Geologist.

That Mr. George introduced C. B. No. 29, "An Act to dissolve the bonds of matrimony existing between William Hamilton and Ann Hamilton."

That Mr. Edwards introduced C. B. No. 30, "An Act to dissolve the bonds of matrimony between John Richards, Jr., and Louisa Richards."

That Mr. Davis introduced C. B. No. 31, "An Act defining the northern and north-western boundaries of Madison county."

That Mr. Dance introduced C. B. No. 32, "An Act authorizing the county commissioners of Deer Lodge county to levy a special tax."

C. C. MENAUGH, *Chief Clerk.*

The chairman of the Committee of the Whole was granted time to report.

On motion of Mr. McLaughlin, the House adjourned until 10 A. M. to-morrow.

A. E. MAYHEW,
Speaker

R. E. ARICK,
Chief Clerk.

THIRTIETH DAY.

JANUARY 5, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Rhodes, chairman of Committee on Ways and Means, reported H. B. No. 1 back to the House, with a recommendation that accompanying substitute be adopted and passed.

Report received.

Mr. Stewart, chairman of Select Committee, reported :

MR. SPEAKER—Your Special Committee, to whom was referred H. B. No. 12, "An Act for the relief of Wm. Berkins," beg leave to report the same back to the House, and recommend that the same do pass, with the following amendments :

Amend Section 1 of said act, by striking out the words, "Nine hundred and ninety-eight dollars and eighty-four cents," and insert the words, "Nine hundred dollars."

Your committee also find that said Berkins was acting under authority of a requisition from the Governor, and that the criminals for whom he went were Mormons, who had stolen a band of horses, some twenty in number, and as there had always been a feeling existing among Gentiles that justice could not be arrived at when a Mormon was a party, if he was so fortunate as to get safely in Mormondom. That these prisoners were arrested in the city of Ogden, at the hands of Bishop West, who telegraphed to Berkins. It was, therefore, thought that to establish a feeling of

confidence among officers of the two territories, that action should be taken in the matter for the furtherance of justice in the future. We, therefore, report that the said Berkins, in accordance with the requisition of the Governor, went for said prisoner, and by so doing incurred expenses that this appropriation fails to cover. We would, therefore, offer the above, and recommend that the bill pass, with proposed amendment.

W. STEWART, *Chairman.*

Report received, and, on motion of Mr. Ellis, adopted.

Mr. Stewart also reported, on H. B. No. 40 :

MR. SPEAKER—A majority of your Special Committee, to whom was referred H. B. No. 40, "An Act for the relief of D. P. Newcomer, beg leave to report that the said Newcomer, at his own expense, purchased books for the purpose of transcribing the district court records of Deer Lodge county ; and that said Newcomer, at his own expense, transcribed and copied into said books a full, true and complete record of said court. We, your majority committee, are of the opinion that said court is a territorial court, and believe that all expenses necessarily incurred in keeping said records should be paid out of the territorial treasury. We, therefore, recommend said bill back to the House, and that it pass without amendments.

W. STEWART, *Chairman.*

Report received.

Mr. Ellis made the following minority report :

MR. SPEAKER—A minority of your Select Committee, to whom was referred H. B. No. 40, beg leave to report. In dissenting from the views entertained thereon by a majority of the committee, we do not desire to be understood as casting any reflection on the claimant, or to express a doubt as to the justness of his claim, for we understand that said Newcomer did pay out money towards procuring the necessary records for Deer Lodge county. The question, therefore, is not as to the justness of his claim, but we are of the opinion that the claim does not belong here, and that the Territory has no right to make an exception in paying for the

records of Deer Lodge county, without paying for the records of every other county in the Territory. To sanction such charges as equitable against a Territory, would be to say that the Territory ought to pay all the expenses of jurors, witnesses, and all else connected with the district court in civil as well as in criminal cases, and such a procedure would bankrupt a Territory. We are of the opinion that every county having a district court should supply the clerk with the necessary records; and when the proper authorities fail to supply their officers, there should be a law to compel them so to do. In this instance, while we think Mr. New-comer acted in good faith, we are forced to conclude that he must look for his pay to Deer Lodge county, and not to the Territory of Montana. Wherefore, a minority of your committee respectfully report the bill back, and recommend that the same do not pass.

J. M. ELLIS.

On motion of Mr. Donegan, the minority report was adopted.

On motion of Mr. Wentworth, the majority report was laid on the table.

Mr. Kerly reported H. B. No. 51 printed.

Mr. Brison, chairman of the Committee of the Whole, reported :

MR. SPEAKER—The Committee of the Whole, having under consideration H. B. No. 30, beg leave to report the same back to the House, with the recommendation that the same do pass.

A. W. BRISON, *Chairman*.

Report received.

Mr. Comly introduced H. B. No. 57, "An Act to amend and supplementary to an act to amend an act to locate the seat of government in and for the Territory of Montana, approved January 2, 1869."

Read first and second time, when Mr. Stapleton moved to refer the bill to a Select Committee of three.

Mr. Comly moved to amend by referring the bill to the Committee on Territorial Affairs.

Motion lost.

Mr. Stapleton's motion was then lost, and on motion of Mr. McLaughlin, the bill was referred to Committee on Elections.

Mr. Donegan introduced H. B. No. 58, "An Act amendatory of an act relating to counties and county officers."

Read first and second time, and referred to the Judiciary Committee.

Mr. Donegan gave notice of the introduction of "An Act relating to the discovery and possessory right of all placer mines."

Mr. Kerly gave notice of the introduction of "An Act to authorize the Territorial Librarian to have the books donated to the territorial library transported to this Territory."

H. B. No. 54 was referred to the Committee on Judiciary.

Mr. Comly moved to adopt the substitute reported for H. B. No. 1.

Mr. McLaughlin moved to make H. B. No. 1 and substitute the special order for Saturday, January 9th, 1869, at 2½ P. M.

Mr. Comly moved to make it the special order for this P. M., at 3 o'clock.

Mr. McLaughlin moved to lay the amendments on the table, which was carried by the following vote:

Ayes—Messrs. Alexander, Cooper, Ellis, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Stewart, Strickland, Wentworth, and Mr. Speaker—14.

Nays—Messrs. Alexander, Barnes, Comly, Donegan, Lowry, Rhodes, Shafer, Stapleton, Sweeney, and Wilson—10.

Mr. McLaughlin moved that the main question be now put, which was carried by the following vote:

Ayes—Messrs. Alexander, Brison, Cooper, Ellis, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Stapleton, Stewart, Strickland, Wentworth, and Mr. Speaker—16.

Nays—Messrs. Barnes, Comly, Donegan, Lowry, Rhodes, Shafer, Sweeney, and Wilson—8.

The vote was then taken, upon the motion of Mr. McLaughlin, to make H. B. No. 1 the special order for Saturday, at 2½ P. M., which was lost by the following vote:

Ayes—Messrs. Alexander, Brison, Ellis, Estis, Higley, Kerly, Lowry, McLaughlin, Powers, Stewart, Strickland, and Mr. Speaker—12.

Nays—Messrs. Barnes, Comly, Cooper, Donegan, Findlay, Hicks, Rhodes, Shafer, Stapleton, Sweeney, Wentworth, and Wilson—12.

Mr. Comly moved that the bill be read third time.

Mr. McLaughlin moved to lay the motion on the table, which was supported and adopted by the following vote:

Ayes—Messrs. Alexander, Brison, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Stapleton, Strickland, Wentworth, and Mr. Speaker—15.

Nays—Messrs. Barnes, Comly, Cooper, Donegan, Rhodes, Shafer, Stewart, Sweeney, and Wilson—9.

Mr. Comly moved to make the bill the special order for 3½ P. M.

Mr. McLaughlin moved to adjourn, which was lost by the following vote:

Ayes—Messrs. Brison, Estis, Hicks, Kerly, McLaughlin, and Strickland—6.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Wentworth, Wilson, and Mr. Speaker—18.

Mr. McLaughlin moved to amend Mr. Comly's motion, by making the bill the special order for 2½ P. M. on Thursday.

On motion of Mr. Comly, the motion of Mr. McLaughlin was laid on the table.

Mr. McLaughlin moved to lay Mr. Comly's motion on the table, which motion was carried by the following vote:

Ayes—Messrs. Brison, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Shafer, Stapleton, Stewart, Strickland, Wentworth, and Mr. Speaker—15.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Powers, Rhodes, Sweeney, and Wilson—9.

On motion of Mr. Lowry, the bill was made the special order for Friday, at 2½ P. M., to be considered in Committee of the Whole.

H. B. No. 30 was taken up. Mr. Comly moved to read the bill third time, and put it upon its final passage.

Mr. McLaughlin moved to lay the motion on the table, which was lost.

The following communication was received from the Council :

That Mr. Edwards introduced C. B. No. 34, "An Act conferring authority on probate judges to issue writs of injunction, quo warranto, and mandamus."

Also, that H. B. No. 16, "An Act to amend an act providing increased compensation to officers of this Territory," had been lost.

C. C. MENAUGH, *Chief Clerk.*

Mr. Donegan moved to amend the motion of Mr. Comly, by making the bill the special order for 2½ this P. M.

Mr. McLaughlin moved to lay the amendments, with the bill, upon the table, which was lost.

Mr. Brison moved to adjourn, which was lost.

Mr. Comly's motion to read the bill third time, and put it upon its final passage, was lost.

Mr. Stapleton offered the following amendment: Amend Section 2 by adding the names of "B. S. Peabody and Geo. Dart, of Beaverhead county." Also, amend Section 3, line 2, after the word "dollars," by adding the words "also twenty-five thousand dollars, for the purpose of laying out and constructing a wagon road from the city of Helena, in Lewis and Clarke county, by way of Silver Star in Madison county, and Bannack City in Beaverhead county, to the Medicine Lodge Pass, at the southern line of Montana Territory." Amend Section 6, third line, by adding the word "roads" after the word "bridges."

Mr. Barnes offered the following amendment to Mr. Stapleton's amendments: Strike out "25,000 dollars," and insert "2,500 dollars," which was laid on the table. Mr. Stapleton's amendment was then lost by the following vote:

Ayes—Messrs. Alexander, Brison, Donegan, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Stapleton, Strickland, and Wentworth—12.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, Wilson, and Mr. Speaker—12.

Mr. Wentworth offered the following amendment: Amend Section 3 by inserting after "dollars," in second line, the following, "also ten thousand dollars for building two bridges across the Bitter Root, at the points where the county road now crosses." Amend Section 2 by adding the names of "Ed. Bonner, of Missoula, Ed. Bass, and Matt. Adams, of Bitter Root, as a board of commissioners to superintend the erection of the said Bitter Root bridges, to be subject to the same restrictions as the other commissioners."

On motion of Mr. Comly, the amendment of Mr. Wentworth was laid on the table by the following vote:

Ayes—Messrs. Barnes, Comly, Cooper, Ellis, Hicks, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—12.

Nays—Messrs. Brison, Donegan, Estis, Findlay, Higley, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—11.

Absent—Mr. Alexander.

A call of the House was ordered. Mr. Alexander reported in his seat. A further call was dispensed with.

Mr. Strickland offered the following amendment, which was lost:

Amend Section 3, line 2; after the word "dollars" put the following: "and there shall be appropriated an additional sum of twenty thousand dollars, to construct a road from Helena, in Lewis and Clarke county, to the town of Missoula, in Missoula county."

Mr. Stewart offered the following amendment:

Change Section 7 to Section 8, and substitute the following for Section 7: "For the purpose of raising funds, labor and material, to assist the building of the bridges, as provided in Section 3 of this act, it shall be the duty of said commissioners to circulate petitions, or cause the same to be circulated, for the purpose of raising money, labor or materials, for the construction and completion of said bridges. It shall be the further duty of said commissioners, at any time when in their opinion a sufficient amount in money, labor and materials, together with the amount appropriated in Section 3 of this act, is raised to complete said bridges, to proceed to advertise and let the contract of building said bridges, and the same shall be paid for in the said appropriation herein made, together with the amount raised by subscription." Change Section 8 to Section 9. Substitute the following for Section 8: "The Territorial Auditor is hereby authorized at any time, upon receiving a certificate from the commissioners, as mentioned in Section 7 of this act, that they have raised by subscription the amount required to complete the building of the bridges, together with the amount appropriated, to issue the bonds, as provided in Section 3."

Mr. Strickland moved to lay the amendment on the table. Motion lost.

On motion of Mr. McLaughlin, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

A call of the House was ordered.

Absent—Messrs. Findlay, Lowry, and Stewart.

Absentees reported in their seats. A further call was dispensed with.

Mr. Comly offered the following amendments to Mr. Stewart's amendments:

Make the substitute for section 8, read as follows: "The Territorial Auditor shall, when he receives a certificate from the Territorial Treasurer that the amount required to be raised by this

act by subscription has been paid into the treasury, draw his warrants on the treasury for such amounts as are certified to him by the commissioners herein named, to be due on contract with any party or parties engaged in building said roads or bridges, and said certificates shall be attested by oath of at least one of said commissioners; and it is hereby required, that at least ten thousand dollars shall be raised by subscription and paid into the territorial treasury before any order shall be drawn upon said treasury for any money whatever: *Provided*, That should any part of said subscription be worked out by the party subscribing under contract with commissioners, that the amount mentioned in said contract shall be considered cash, for the purposes of this section, and the said commissioners shall file the said contract with the Territorial Treasurer, and the contracting party upon completing said contract shall receive from the aforesaid commissioners an order on the Territorial Auditor for said contract, and said auditor shall, immediately on the receipt of the same, draw an order on the Territorial Treasurer, directing him to return to said parties said contract, and said treasurer shall indorse upon the said contract satisfaction of the provisions of the same. Should any party thus subscribing and filing a contract for the performance of labor, or for the furnishing of material for said road for the purpose of paying said subscription, fail to perform the necessary work, or furnish the material mentioned in said contract, it shall be the duty of the said commissioners to sue for the amount mentioned in said contract and collect the same before any court of competent jurisdiction, and pay the amount thus collected into the territorial treasury; and should the commissioners fail to perform their duty as required in this section, they shall be liable upon their official bond, and the Territorial Treasurer is hereby directed to commence suit against them for any malfeasance or misfeasance of office."

Amend section five so as to read "ten thousand dollars," instead of five thousand dollars.

Which amendment was lost by the following vote:

Ayes—Messrs. Alexander, Comly, Findlay, Powers, Rhodes, Sweeney, and Mr. Speaker—7.

Nays—Messrs. Barnes, Brison, Cooper, Donegan, Ellis, Estis,

Hicks, Higley, Kerly, McLaughlin, Shafer, Stapleton, Stewart, Strickland, Wentworth, and Wilson—16.

Absent—Mr. Lowry.

The following communication from the Council was received :

That Mr. Dance introduced C. B. No. 33, "An Act supplementary to an act to provide for funding the debt of Montana Territory."

Also, that the Council refuses to recede from its amendments to H. B. No. 26, "An Act to legalize the records of Jefferson county," and asks the House to appoint a Committee of Conference, to act with a like committee from the Council, to report upon the bill.

Also, that the Council has reconsidered the vote by which H. B. No. 16 was lost, and asks the House to return the same to the Council.

C. C. MENAUGH, *Chief Clerk.*

The motion to adopt Mr. Stewart's amendment to H. B. No. 30, was lost by the following vote:

Ayes—Messrs. Alexander, Barnes, Cooper, Higley, Powers, Shafer, Stewart, Strickland, Wilson, and Mr. Speaker—10.

Nays—Messrs. Brison, Comly, Donegan, Ellis, Estis, Findlay, Hicks, Kerly, Lowry, McLaughlin, Rhodes, Stapleton, Sweeney, and Wentworth—14.

Mr. Stapleton offered the following amendments to H. B. No. 30 :

Amend section 2 by adding the name of Joe A. Brown and R. F. Wing.

Amend section 3, second line, by inserting the following after the word "dollars:": "Also, twenty-four thousand dollars for the purpose of laying out, continuing and constructing said wagon road from the city of Helena, in Lewis and Clarke county, by way of Silver Star, in Madison county, and Bannack City, in Beaver Head county, to what is known as Medicine Lodge Pass, at the southern line of Montana Territory."

Amend section six by adding the word "roads" after the word "bridges," in third line.

Mr. Barnes moved to lay Mr. Stapleton's amendment on the table, which was lost by the following vote :

Ayes—Messrs. Barnes, Comly, Cooper, Ellis, Higley, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—11.

Nays—Messrs. Alexander, Brison, Donegan, Estis, Findlay, Hicks, Kerly, Lowry, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—13.

Mr. Stapleton's amendment was then lost by the following vote :

Ayes — Messrs. Alexander, Brison, Donegan, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Stapleton, Strickland, and Wentworth—12.

Nays—Messrs. Barnes, Comly, Cooper, Ellis, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, Wilson, and Mr. Speaker—12.

Mr. Stewart offered the following amendment :

Change section 10 to section 11, and substitute the following for section 10: "The said commissioners shall each be allowed the sum of ten dollars for each day actually employed in the discharge of their duties under this act, payable out of the counties in which they respectively reside."

On motion of Mr. McLaughlin, the amendment of Mr. Stewart was laid on the table.

On motion of Mr. Comly, the bill was passed to a third reading.

On motion of Mr. Comly, the vote by which H. B. No. 30 passed to a third reading was reconsidered.

On motion of Mr. Lowry, the following amendment was adopted : Amend by striking out the name of "John McCormick," wherever it appears in the original bill, and insert that of "C. D. Sullivan."

On motion of Mr. Lowry, the bill was then adopted as amended, and ordered engrossed for third reading.

Mr. Donegan introduced the following resolution, which was adopted :

Resolved, By the House, That the use of this Hall be given to Mr. Pauncefort, on Thursday, January 7th, 1869, for the delivery of a reading for the benefit of the Catholic Church.

Mr. Higley moved that the report of the Select Committee upon H. B. No. 12, be adopted.

Motion lost.

On motion of Mr. McLaughlin, H. B. No. 12 was made the special order for to-morrow, at 2½ P. M., to be considered in Committee of the Whole.

Messrs. Stewart and Higley were appointed upon the Conference Committee to consider the difference between the two Houses in relation to H. B. No. 26.

On motion of Mr. McLaughlin, H. B. No. 40 was made the special order for to-morrow, at 2½ P. M., to be considered in Committee of the Whole.

Mr. Wentworth gave notice of the introduction of a bill for the relief of Missoula county.

Mr. Comly moved to reconsider the vote by which H. B. No. 1 was made the special order for Friday, at 2½ P. M.

On motion of Mr. McLaughlin, the motion of Mr. Comly was laid on the table.

The following communication was received from the Council :

That H. B. No. 43, "An Act to secure liens to teamsters, laborers and wagon masters," has been indefinitely postponed in the Council.

C. C. MENAUGH, *Chief Clerk*.

The following communication was received from the Secretary of Montana :

SECRETARY'S OFFICE, Jan. 4, 1869.

Gentlemen of the House of Representatives :

I am in receipt of the resolutions adopted by your honorable body on the 2nd inst. In reply to your first question I would say, that the United States fiscal year extends from July

1st to June 30th ; and the annual appropriation for each year for the Territory of Montana, for compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses, has been twenty thousand dollars since the organization of the Territory.

In reply to your second interrogatory, I have to state that no appropriation has been made for the payment of vouchers issued by Secretary Meagher, other than the regular annual appropriation.

Your third question I am unable to answer in full. I have official information of the allowance and payment of fifteen thousand four hundred and thirty-six dollars and one cent, and have been reliably informed that several thousand dollars were allowed in addition to the above named amount.

In answer to your fourth request, I have to inform you that no portion of the appropriation for the fiscal year beginning July 1st, 1868, has been drawn by the Secretary of the Territory, who is the only officer authorized and qualified to draw the funds for legislative and contingent expenses. I would add, however, that I am satisfied the honorable Secretary of the Treasury has ordered the Meagher vouchers paid, direct from the treasury, in which case the current appropriation must be nearly exhausted.

If I am right in answer to your fourth question, I regret that I shall be compelled to say, in reply to the fifth and last, that the payment of the members of the extraordinary session, as well as the members of the present session, will have to be delayed until the next annual appropriation is available, which will not be till after July 1st, 1869. I shall be pleased to render any further information in my power, officially or otherwise.

I have the honor, and am, very respectfully,

Your obedient servant,

JAMES TUFTS,

Secretary of Montana.

H. B. No. 40 was considered, and the House refused to adopt the report of the committee thereon.

Mr. McLaughlin, chairman of a Select Committee, reported as follows :

MR. SPEAKER—Your committee, to whom was referred H. B. No. 47, "An Act to establish a Territorial Insane Asylum and

Hospital," have had the same under consideration, and beg leave to report the same back, with the recommendation that it be referred to a Select Committee of fifteen.

Report received.

On motion of Mr. Stewart, the House resolved itself into Committee of the Whole, to consider H. B. No. 47. Mr. Brison in the chair.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Stewart, the House took a recess until 7 P. M.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Comly, the House adjourned until to-morrow morning at 10 o'clock.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTY-FIRST DAY.

JANUARY 6, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Alexander reported H. B. No. 21 correctly enrolled.

Report received.

Mr. Comly reported H. B. No. 30, H. B. No. 38, and H. B. No. 39, correctly engrossed.

Report received.

Mr. Powers reported H. B. No. 57 back to the House, recommending its passage.

Report received.

Mr. Stewart, of the Judiciary Committee, reported back to the House H. B. No. 55, recommending its passage.

Report received.

Mr. Stewart, chairman of the Financial Committee, to whom was referred that portion of the Governor's Message in reference to the reports of the Territorial Auditor and Treasurer, reported :

We have carefully examined the same, and in addition to a careful inspection of the contents of said reports, we have also examined the financial condition of the Territory, and find the same in a good condition, although we believe that the amount of the revenue collected for the year 1868 falls short of what it would have been had it not been for defects in "An Act providing for the

assessing and collecting of revenue." Your Committee would, therefore, recommend that this House use all honorable means to amend said revenue act, so that the defects may not operate against a full, fair, and complete proportion of taxes due the Territory from each and every tax payer.

W. STEWART, *Chairman*.

Report received.

Mr. Stewart, of the Judiciary Committee, reported as follows :

That we have carefully compared H. B. No. 54 with an act concerning crimes and punishments, and find that no conviction could be had under the original act in violation of its provisions unless it be clearly shown that the officer receiving illegal fees did so willfully, while the amendment to said act provides that a conviction can be had in case an officer shall receive, demand or take illegal fees. We therefore recommend that the bill do pass.

W. STEWART, *Chairman*.

Report received.

A majority of the Committee on Indian Affairs reported as follows :

That we have examined H. B. No. 53, and believe that the passage of the same would be impolitic and unwise, and would result in injury, not only to the members of this Assembly, but the entire population of some counties. Notwithstanding there is an act of Congress covering the same ground, it is believed by your Committee that said act of Congress cannot be enforced in every portion of the Territory as readily and speedily as the acts on our statutes. Your Committee would, therefore, respectfully recommend that said bill do not pass.

J. P. BARNES.

G. W. WENTWORTH.

Report received.

Mr. Ellis reported as follows :

Your Committee on Federal Relations, to whom was referred that portion of the Governor's Message referring to the penitentiary, ask leave to report :

We highly commend the suggestion of His Excellency the Acting Governor, and are, with him, of the opinion that this subject should engage our proper attention. Your Committee find that Congress did appropriate the sum of forty thousand dollars for the erection of a penitentiary, and we hereby beg to tender thanks for small favors. We learn, further, that, as far as the Territory is concerned, all the requirements asked by Congress have been zealously and faithfully attended to; that a proper site has been procured and correctly deeded, and that some expense has been incurred; but that the further prosecution and completion of the same could not be commenced, owing to the fact that the funds appropriated have never been applied. Wherefore, no blame is to be attributed to any of our own officials. We further understand that the Executive of our Territory, the Acting Governor, has himself expended means of his own to further and hasten the work so much needed, but has been unable to obtain the desired result, to wit, the application of the appropriation. Your Committee also agree with His Excellency's suggestion, that the sum appropriated is inadequate for the purpose; that there should be at least one hundred thousand dollars to successfully complete the necessary building. Your Committee respectfully recommend the appointment of a joint committee of the two Houses to prepare and draft a suitable memorial to Congress, setting forth the inabilities to proceed; also, to state fully what steps have already been taken on the part of our Territory, and the embarrassing position we are placed in; at the same time to respectfully ask an additional appropriation of sixty thousand dollars for the same purpose.

On motion of Mr. Wilson, the report was adopted.

The following resolution was introduced by Mr. Ellis:

Resolved, By the House, the Council concurring, That a Joint Committee of three members from each House be appointed to prepare a suitable memorial to Congress in relation to the Penitentiary, in accordance with the recommendation of the Committee on Federal Relations.

Which was adopted, and Messrs. Ellis, Kerly, and Stapleton, appointed such committee on the part of the House.

Mr. Stewart offered the following resolution :

Resolved, By the House, the Council concurring, That when the House and Council adjourn, on Saturday, January 9, 1869, they adjourn *sine die*.

On motion of Mr. McLaughlin, the resolution was laid on the table.

Mr. Wentworth introduced H. B. No. 59, "An Act for the relief of Missoula county."

Read first and second time, and referred to the Committee on Ways and Means.

Mr. Kerly introduced H. B. No. 60, "An Act to authorize the Territorial Librarian to send for books, and pay freight on the same."

Read first and second time, and referred to the Committee on Ways and Means.

Mr. Donegan introduced H. B. No. 61, "An Act amendatory of an act relative to the discovery and possessory right of all placer mines."

Read first and second time, and referred to Committee on Mines and Minerals.

H. B. No. 37, "An Act to amend and supplementary to an act to amend an act to locate the seat of government in and for the Territory of Montana," was read a third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Ellis, Estis, Findlay, Higley, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, and Wilson—15.

Nays—Messrs. Brison, Donegan, Hicks, Kerly, McLaughlin, Stapleton, Strickland, Wentworth, and Mr. Speaker—9.

Title agreed to.

H. B. No. 54, "An Act to amend an act concerning crimes and punishments," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Don-

egan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—24.

Nays—None.

Title agreed to.

H. B. No. 55, "An Act to amend section 5 of an act concerning crimes and punishments," was considered, and on motion of Mr. Alexander, the rules were suspended, bill read third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donagan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Shafer, Stapleton, Stewart, Sweeney, Wentworth, Wilson, and Mr. Speaker—21.

Nays—Messrs. Lowry, Rhodes, and Strickland—3.

Title agreed to.

The following was received from the Governor :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, Jan. 6, 1869. }

To the House of Representatives :

I have to inform your honorable body, that I have this day approved H. B. No. 19, "An Act in relation to public highways."

Very respectfully,

JAMES TUFTS,

Acting Governor.

On motion of Mr. Stewart, H. B. No. 53, with committee report thereon, was referred to a Select Committee. Messrs. Stewart, Lowry and Wentworth were appointed such Committee.

Mr. Stewart offered the following resolution :

Resolved, By the House, the Council concurring, 1st, That the House hold evening sessions until January 9th, 1869.

2nd, That when the House and Council adjourn, on Saturday, January 9th, 1869, that they adjourn *sine die*.

Mr. McLaughlin moved to lay on the table, which was lost.

The ayes and nays being called, on motion to adopt, resolution was lost by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Findlay, Higley, Rhodes, Shafer, Stewart, Sweeney, Wentworth, and Wilson—11.

Nays—Messrs. Brison, Donegan, Estis, Hicks, Kerly, Lowry, McLaughlin, Powers, Stapleton, Strickland, and Mr. Speaker—11.

Absent—Messrs. Ellis and Cooper.

On motion of Mr. McLaughlin, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Strickland, a call of the House was ordered. Members all present. A further call was dispensed with.

H. B. No. 30, "An Act to amend an act entitled an act to provide for the laying out and establishing a territorial road from Bozeman City, in Gallatin county, to Helena, Edgerton county, was read third time, and passed by the following vote:

Ayes—Messrs. Comly, Cooper, Ellis, Hicks, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, Wilson, and Mr. Speaker—12

Nays—Messrs. Alexander, Brison, Donegan, Estis, Findlay, Kerly, McLaughlin, Stapleton, Strickland, and Wentworth—10.

Excused on their own motion—Messrs. Barnes and Higley—2.

Mr. Donegan offered the following amendment to the title of the bill:

Strike out the title and insert, "An Act for the relief of Helena City, in Lewis and Clarke county, and Bozeman City, in Gallatin county."

On motion of Mr. Comly, the amendment was laid on the table.

The title was then agreed to.

On motion of Mr. Ellis, a call of the House was ordered.
Absent—Messrs. McLaughlin and Shafer.

Members reported present. The further call was dispensed with.

H. B. No. 38, "An Act concerning boats," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nay—Mr. Strickland.

Title agreed to.

H. B. No. 49, "An Act to authorize the Territorial Auditor to issue a warrant in lieu of warrant 248, series 3, to E. W. Haskell," was read a third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—24.

Nays—None.

Title agreed to.

The following communication was received from the Council :

That Council substitute for H. J. M. No. 4, "Asking Congress to extinguish the Indian title to the Bitter Root Valley," has passed the Council.

Also, that the Council has reconsidered the vote by which H. B. No. 43, "An Act to secure liens to teamsters, laborers and wagon masters," was lost.

And I am directed to respectfully request your honorable body to return the bill to the Council for further action thereon.

C. C. MENAUGH, *Chief Clerk*.

On motion of Mr. Brison, the Council substitute for H. J. M. No. 4 was adopted, and ordered enrolled.

On motion of Mr. Kerly, the House resolved itself into Committee of the Whole, to consider H. B. No. 1, H. B. No. 12, and H. B. No. 40.

Mr. Kerly in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Hicks offered the following resolution :

Resolved, By the House, the Council concurring, That both Houses hold evening sessions, commencing at 8 o'clock P. M.

Which was lost.

Mr. Strickland offered the following :

Resolved, By the House, the Council concurring, That when the two Houses adjourn this P. M., they adjourn *sine die*.

On motion of Mr. Ellis, the resolution was laid on the table.

On motion of Mr. Ellis, the House adjourned until 10 A. M. to-morrow.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTY-SECOND DAY.

JANUARY 7, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Alexander reported H. B. No. 21, and H. B. No. 44, handed the Governor for his approval, at 9 this A. M.

Report received.

Mr. Stapleton reported back to the House H. J. M. No. 6, recommending its passage.

Mr. Stewart, chairman of Joint Committee on the part of the House, reported back to the House H. B. No. 26, recommending that the Council recede from their amendment and adopt the following, as a substitute for section one:

“SECTION 1. That the Commissioners of Jefferson county are hereby authorized and empowered to examine the county district records, as copied into a record book and indexed “F,” “D;” the letter “F” being the order in which the books are lettered, the letter “D” denoting it as a district record; and if a majority of said board county commissioners shall declare the same as correctly copied, they shall be considered the legal records of said district.”

Report received.

On motion of Mr. Stewart, the report was adopted, and the Chief Clerk was instructed to report the bill, with amendments, back to the Council.

Mr. Stewart, chairman of the Select Committee, reported :

MR. SPEAKER—Your Special Committee, to whom was referred H. B. No. 32, have had the same, with accompanying petition, under consideration, and find upon a careful investigation of the signers of said petition, that they are upright, honest, *bona fide* residents of Gallatin county, and we believe the causes set out in said petition to be true and worthy the careful consideration of this House.

We further find upon examination of the map of the Territory, defining the boundary lines of Jefferson and Gallatin counties, that the locality of that portion of Gallatin attached to Jefferson is a small portion cut off from the balance of the county by the Madison river, forming a sharp corner separate to that by itself. The inhabitants of that portion praying to be attached to the county of Jefferson, do all their trading, marketing and business generally, at Helena, at which place they go through or pass near the county seat of Jefferson county, and only about twenty miles ; whereas the county seat of Gallatin county is about forty-five miles from said petitioners, and a point where they are never called to or required to go on business. In addition to the inconvenience of said petitioners, heretofore set out, that at nearly one-half of the year, it is impossible, or at great risk of life and loss of property, for them to travel from their place of residence to the county seat of Gallatin county.

We, therefore, in view of all the facts herein set out, beg leave to report the bill back to the House, and recommend that the same be carefully considered ; and in justice to that portion of our constituents who have in good faith and in due form demanded relief, we do further recommend that the said bill pass without amendment.

Mr. Wilson moved to lay the report on the table, which was lost by the following vote :

Ayes—Messrs. Brison, Donegan, Estis, Hicks, McLaughlin, Shafer, Stapleton, Strickland, Wentworth, and Wilson—10.

Nays—Messrs. Alexander, Barnes, Comly, Ellis, Findlay, Higley, Kerly, Lowry, Powers, Rhodes, Stewart, Sweeney, and Mr. Speaker—13.

Excused—Mr. Cooper.

On motion of Mr. Stewart, the bill, with report, was made the special order for 2½ this P. M.

On motion of Mr. McLaughlin, Mr. Cooper was excused from attendance on the House during his illness.

On motion of Mr. McLaughlin, Mr. Donegan was granted leave to introduce H. B. No. 62, "An Act to repeal an act relating to the discovery and possessory right of all placer mines."

Read first and second time, rule suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Donegan, Estis, Findlay, Hicks, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—18.

Nays—Messrs. Comly, Ellis, Higley, Rhodes, and Stewart—5.

Title agreed to.

Mr. Stapleton introduced H. B. No. 63, "An Act to amend an act concerning fugitives from justice."

Read first and second time, and referred to the Committee on Judiciary.

Mr. Sweeney reported as follows:

Your Committee, appointed to consult with a like committee on the part of the Council, and to inquire whether any amendments are necessary to the present school law, beg leave to report that the Joint Committee have duly considered the same, and find the old law defective, and that the Joint Committee, with the assistance of the Territorial Superintendent of Public Instruction, have carefully prepared a bill, which the Joint Committee agree will be a great improvement to the present school law, and particularly adapted to our present condition, while, at the same time, it provides for our advancement, and increase in population. The Joint Committee have therefore instructed the chairman of the Committee of the House to report the same to the House for their action, and at the same time recommend its passage.

J. M. SWEENEY, *Chairman.*

Report received.

Mr. Sweeney then introduced H. B. No. 64, "An Act establishing a common school system for the Territory of Montana."

Read first and second time, and ordered printed.

Mr. Lowry introduced H. B. No. 65, "An Act to amend an act to prevent the collection of illegal toll."

Read first and second time, and referred to Committee on Incorporations.

Mr. Stapleton reported back to the House H. B. No. 63, with a recommendation that the same do pass.

Report received.

On motion of Mr. Wentworth, the rules were suspended, and H. B. No. 63, "An Act to amend an act concerning fugitives from justice," was read third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Donegan, Estis, Findlay, Hicks, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—20.

Nays—Messrs. Brison, Ellis, and Higley—3.

Excused, on account of illness—Mr. Cooper.

Title agreed to.

H. J. M. No. 2 was ordered enrolled.

The following communication was received from the Council :

That C. J. R. No. 6, "Requiring the Territorial Auditor to issue a warrant in favor of John How, for balance due on safe,"

Also, C. J. R. No. 7, "Requiring the Territorial Auditor to issue a warrant in favor of Davis & Thoroughman, for legal services,"

Have passed the Council.

Also, that Mr. Davis has introduced C. B. No. 35, "An Act authorizing the repeal of an act to incorporate the City of Virginia, approved Dec. 30, 1864."

Also, that Mr. Edwards introduced C. B. No. 36, "An Act to dissolve the bonds of matrimony between Paul Schwartz and Catherine Schwartz."

Also, that Mr. Bagg has given notice of the introduction of a joint resolution to pay Wm. M. Stafford for legal services rendered the Territory of Montana.

Also, that Mr. Edwards has introduced C. B. No. 37, "An Act to dissolve the bonds of matrimony between R. K. Findlay and Elizabeth Findlay."

Also, that the Council has adopted the Conference Committee substitute for H. J. M. No. 2, in relation to the Indian war.

Also, that the Council has adopted the Conference Committee substitute for section 1 of H. B. No. 26.

Also, that the Council has refused to concur in the House resolution in relation to appointing a committee to prepare a suitable memorial to Congress in relation to the penitentiary.

C. C. MENAUGH, *Chief Clerk.*

Mr. Stewart, chairman of the Select Committee, reported as follows:

MR. SPEAKER—Your Special Committee, to whom was referred H. B. No. 53, recommend the bill back to the House, together with a substitute for said bill, and that said substitute be adopted.

Your Committee believe that the said acts, which said substitute proposes to repeal, operate as a dead letter upon the statute book, inasmuch as there is now a law similar in its character to the one repealed by said act. It is further the opinion of your Committee, that the said United States law prohibiting the sale of liquor to Indians, can be enforced in any place in the Territory wherever the same is settled.

It is further the opinion of your Committee, that any and all justices of the peace in said Territory have full power and authority to act as United States commissioners under the provisions of the said act of Congress.

It is further the opinion of your Committee, that in case all prosecutions in the Territory for the violation of said law were had in the United States courts, much expense would be saved the Territory.

Your Committee therefore recommend that the substitute be adopted, and that the same do pass.

W. STEWART, *Chairman.*

Mr. Lowry concurs.

Mr. Wentworth dissents.

Report received.

On motion of Mr. Barnes, the bill, with the report, was laid on the table until the minority of the Committee have time to report.

Mr. Comly, chairman of the Committee on Territorial Affairs, reported as follows:

MR. SPEAKER—Your Committee on Territorial Affairs, to whom was referred the petition of the citizens of Helena and vicinity, asking for the establishment of an insane asylum at that place, have duly considered the same, and respectfully make the following report:

The growth of the Territory in population, and the peculiar manner of living practiced by our miners and prospectors, being a system of physical exposure continually, together with the amount of excitement engendered in the minds of those following these pursuits, is productive of insanity, although, owing to the extreme healthfulness of our climate, not to so great an extent as would be the case in other less favored climes. It becomes the duty of society to care for and protect these unfortunate beings, and for this purpose asylums have been erected in all civilized communities. In addition to the insane, the wounded, sick and maimed of our fellow creatures also appeal to our sympathies and protection, and your Committee believe that a reasonable appropriation for the purpose of erecting a hospital and insane asylum would be well spent, and meet with the approbation of all good men. Your Committee would therefore recommend that the prayer of said petition be granted, and that a bill be passed locating a hospital and insane asylum for the Territory, at Helena, in Lewis and Clarke county, that being, in the opinion of your Committee, a suitable place for said institution, being central, easy of access, and possessing all the desirable characteristics necessary for a place to have, where such an institution is established.

H. R. COMLY, *Chairman.*

Report received.

Mr. Barnes moved to indefinitely postpone H. B. No. 52.

Mr. Alexander moved a call of the House.

Roll called—absent, Messrs. Comly and McLaughlin.

Absentees reported in their seats. Further call was dispensed with.

H. B. No. 52 was indefinitely postponed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Donegan, Estis, Findlay, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, and Sweeney—16.

Nays—Messrs. Ellis, Hicks, Higley, Kerly, Wentworth, Wilson, and Mr. Speaker—7.

Absent on leave—Mr. Cooper.

The following notices of introduction of bills were given:

By Mr. Donegan, "An Act to change the seat of government of Montana Territory."

By Mr. Higley, "A Bill authorizing the citizens of Jefferson county to change the county seat of said county."

Mr. McLaughlin, chairman of Committee on Mines and Minerals, to whom was referred H. B. No. 52, reported that it is the opinion of the Committee that while the enactment of such a law might be applicable in a few instances, it would work a hardship upon a large majority of quartz miners. It is the opinion of the Committee that the right to make all contracts in relation to sinking, draining, pumping, etc., should be left to the control of the parties themselves, and that any legislation compelling miners to comply with the provisions of the bill would have a tendency to ultimately "freeze" them out, and would meet with the condemnation of almost our entire mining population. We therefore recommend that the bill do not pass.

Report received.

Mr. Comly gave notice that he would move to reconsider the vote by which H. B. No. 52 was indefinitely postponed, on tomorrow.

Mr. Barnes moved to reconsider now, which was, on motion of Mr. Strickland, laid on the table.

H. J. M. No. 6 was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Donegan, Estis, Findlay, Higley, Kerly, Lowry, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—20.

Nay—Mr. Ellis.

Absent—Messrs. Hicks and McLaughlin.

Excused on account of illness—Mr. Cooper.

Title, "Asking Congress to amend the organic act," agreed to.

Mr. Stewart offered the following resolution :

Resolved, That the House hold evening sessions at 7 o'clock until the final adjournment of the House.

Mr. Strickland moved to lay the resolution on the table, which was lost by the following vote :

Ayes—Messrs. Brison, Donegan, Estis, Stapleton, Strickland, and Mr. Speaker—6.

Nays—Messrs. Alexander, Barnes, Comly, Ellis, Findlay, Hicks, Higley, Kerly, Lowry, Powers, Rhodes, Shafer, Stewart, Sweeney, Wentworth, and Wilson—16.

Absent—Mr. McLaughlin.

Absent on leave—Mr. Cooper.

Mr. Strickland moved a call of the House.

On motion of Mr. Stewart, the call was dispensed with.

Mr. Comly moved to amend the resolution by inserting "after to-day."

On motion of Mr. Stewart, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Mr. Kerly, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—Your Committee of the Whole have had under consideration H. B. No. 12, H. B. No. 40, and H. B. No. 47, and beg leave to report as follows :

The Committee refer bill No. 40 back to the House, recommending that it be indefinitely postponed. That the reports of the Committee on Ways and Means, and Special Committee, on H. B. No. 12, be laid on the table, and that the bill be amended so as to read \$732.66, and pass as amended.

The Committee report progress on H. B. No. 47, and ask leave to sit again.

J. C. KERLY, *Chairman.*

Report received.

Mr. Comly moved that H. B. No. 32 be read the third time.

Call of the House was ordered.

Roll called—absent, Messrs. Hicks and McLaughlin.

On motion, Mr. McLaughlin was excused.

On motion of Mr. Stewart, the further call of the House was dispensed with.

On motion of Mr. Donegan, Mr. Comly's motion was laid on the table by the following vote :

Ayes—Messrs. Alexander, Brison, Donegan, Estis, Findlay, Higley, Kerly, Stewart, Strickland, Wentworth, and Mr. Speaker—11.

Nays—Messrs. Barnes, Comly, Ellis, Lowry, Powers, Rhodes, Shafer, Stapleton, Sweeney, and Wilson—10.

On motion of Mr. Donegan, the bill was made the special order for 2½ o'clock this P. M., to be considered in Committee of the Whole.

H. B. No. 32, "An Act to amend an act to establish the boundary line of Jefferson county," was read the third time, and lost by the following vote :

Ayes—Messrs. Alexander, Higley, Lowry, and Stewart—4.

Nays—Messrs. Barnes, Brison, Comly, Donegan, Ellis, Estis, Findlay, Hicks, Kerly, Powers, Rhodes, Shafer, Stapleton, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—18.

Excused—Messrs. McLaughlin and Cooper—2.

The following communication was received from the Council :

That H. B. No. 36, "An Act to regulate appeals from the probate courts to the district courts of the Territory of Montana,"

Also, H. B. No. 46, "An Act to prevent the sale of intoxicating liquors to soldiers,"

Also, H. B. No. 37, "An Act amendatory of an act relating to counties and county officers,"

Also, Council substitute for H. J. M. No. 3, asking for a reconsideration of the treaty with the Crow nation,"

Have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

On motion of Mr. Donegan, H. B. No. 40, "An Act for the relief of D. P. Newcomer," was indefinitely postponed.

H. B. No. 12 was considered by the House, and the amendments by the Select Committee were rejected.

Mr. Alexander offered the following amendment: Amend by striking out "\$998.84," and insert in lieu thereof, "\$550.00."

On motion of Mr. Higley, the amendment was laid on the table by the following vote :

Ayes—Messrs. Brison, Ellis, Estis, Hicks, Higley, Lowry, Powers, Stapleton, Stewart, Wentworth, Wilson, and Mr. Speaker—12.

Nays—Messrs. Alexander, Barnes, Comly, Donegan, Findlay, Rhodes, Shafer, Strickland, and Sweeney—9.

H. B. No. 36, H. B. No. 37, and H. B. No. 46, were ordered enrolled.

Mr. Barnes moved that H. B. No. 12 be referred to Committee on Ways and Means.

On motion of Mr. Ellis, the motion of Mr. Barnes was laid on the table.

Mr. Stewart moved to make H. B. No. 12 the special order for 2 P. M.

Mr. Barnes moved to amend by making it the special order for Tuesday next, at 2 P. M.

Motion lost.

Mr. Stewart's motion was then adopted.

Mr. Brison reported back to the House H. B. No. 65, recommending its passage.

The report received.

The Council amendments to H. B. No. 26 were concurred in, and bill ordered enrolled.

Mr. Hicks moved to adjourn. Lost.

C. J. R. No. 6, "To pay John How for Treasurer's safe," was read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Donegan, Ellis, Estis, Hicks, Kerly, Lowry, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Wentworth, Wilson, and Mr. Speaker—19.

Excused—Messrs. Cooper and McLaughlin.

Absent—Messrs. Findlay, Higley, and Strickland.

Title agreed to.

C. J. R. No. 7, "For the relief of Davis & Thoroughman," was read first and second time, and referred to the Committee on Ways and Means.

The Council substitute for H. J. M. No. 3 was adopted, and ordered enrolled.

H. B. No. 65, "An Act to amend an act entitled an act to prevent the collection of illegal toll," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Donegan, Ellis, Estis, Findlay, Hicks, Kerly, Lowry, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Wentworth, Wilson, and Mr. Speaker—20.

Excused—Messrs. Cooper and McLaughlin.

Absent—Messrs. Higley and Strickland.

Title agreed to.

On motion of Mr. Brison, the House adjourned until tomorrow at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTY-THIRD DAY.

JANUARY 8, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Members all present.

Minutes of yesterday read and approved.

The following communication was received from the Council :

That C. B. No. 31, "An Act to amend an act to define the boundary Line of Deer Lodge, Beaver Head and Madison counties," has passed the Council.

C. C. MENAUGH, *Chief Clerk*.

The Committee on Ways and Means reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. J. R. No. 3, beg leave to make the following report :

We find that Mr. Wade was acting under orders from the Secretary of the Interior, through the Governor of Montana, and think the amount is due him out of the appropriation made by the General Government for the funding of the Penitentiary ; yet, as the amount so appropriated has, up to this time, been, and perhaps for a long period may be withheld, we deem it unjust that Mr. Wade should be so long deprived of money actually expended, and compensation for services rendered on so reasonable terms as set forth in his accompanying bill in a work so essential to the interest of the Territory, particularly so when we regard that the Territory will only be advancing that amount on the Government appropriation, and not, in a literal sense, paying the amount asked for out of the territorial treasury. We beg leave therefore to report back the resolution, and recommend that the appropriation be made.

J. W. RHODES.

R. D. ALEXANDER.

J. P. BARNES.

Report received.

Mr. Ellis, chairman of the Select Committee, to whom was referred C. B. No. 5, "An Act concerning licenses," made the following report :

MR. SPEAKER—We have performed the laborious duty assigned us, we have carefully considered the resources and profits derived from the various business pursuits, and have endeavored to equalize the license so as not to diminish any branch of business, and as will in our opinion, work advantageously to our territorial and county finances.

We therefore beg to submit several amendments, and respectfully recommend that the bill as amended do pass.

Amend section 1 after the word "company," in 16th line, and insert the words "agent or agencies."

Also, strike out the word "in" in 17th line, and insert the word "eighty." Strike out the word "twenty," in the twentieth line, and insert the word "ten." Strike out the word "twenty," in the twenty-second line, and insert the word "fifteen."

Amend section 2 by adding after the word "quarter," in the 7th line, the following : "Ranchmen who herd stock shall pay the same license as herders ; and all livery keepers who keep buggies, sleighs, or any other vehicles, to let or for hire, shall pay a license of fifty dollars per quarter instead of fifteen dollars." Also, to strike out after the word "of," the word "ten," and insert the word "eight."

Amend section 3 by adding the following : "*Provided*, their business does not exceed one thousand dollars per month, but all whose business is one thousand dollars per month, shall pay a license of ten dollars per month."

Also, add to the same section, after the word "quarter" in the fourth line, the following : "*Provided*, That any barber or barbers who keep more than two barber chairs, shall pay a license of twenty-five dollars per quarter."

Amend section 4, by striking out the words "one hundred and fifty thousand," and inserting the words, "fifty thousand." And strike out "seventy-five," and insert "one hundred."

Strike out all after the word "quarter" in the twenty-fourth line, up to the word "quarter" in the thirty-seventh line, and insert the following : "All whose business is under fifty thousand dollars per quarter, shall pay a license of fifty dollars per quarter."

Strike out all of section 5, and substitute the following :

“SEC. 5. Every person who has a fixed place of business, who may deal in goods, wares or merchandise, wines or liquors, drugs or medicines, jewelry, or wares, or precious metals, or who shall expose the same for sale, shall pay a license as follows: Those whose monthly sales are ten thousand dollars or more, shall constitute the first class, and shall pay a license of fifty dollars per quarter. Those whose sales are five thousand and under ten thousand dollars per month, shall constitute the second class, and shall pay a license of thirty dollars per quarter. Those whose sales are two thousand and under five thousand dollars per month, shall constitute the third class, and pay a license of twenty dollars per quarter. Those whose sales are under two thousand dollars per month, shall constitute the fourth class, and pay a license of ten dollars per quarter: *Provided*, That the sales of liquors or wines licensed under this section shall not be in less quantities than one gallon, unless the person or persons making such sale, shall, in addition to the license provided for in this section, pay a license of ten dollars per quarter: *And provided further*, That no license shall be issued under the provisions of this section for less than three months.”

Amend section 8 by striking out all of said section and substituting the following :

“SEC. 8. All persons who dispose of any spirituous or malt liquors in quantities of less than one gallon, shall, before the transacting of such business, obtain a license, for which he or they shall pay as follows: In any city, town or village that contains a population of three hundred persons or more, a license of thirty dollars per quarter. In any city, town or village, where the population is less than three hundred and more than fifty, ten dollars per quarter. And all persons who dispose of spirituous or malt liquors in quantities of less than one gallon, outside of any town, city or village, and no nearer than three miles to any town, city or village, shall pay a license of eight dollars per quarter.”

Strike out all of section 11. Make section 12 section 11. Strike out of said section all that refers to the original section 11.

Make section 13 section 12. Make section 14 section 13, and

amend by striking out all of said section and substituting the following :

"SEC. 13. Every brewer or manufacturer of malt or spirituous liquors, or manufacturers of pop-beer, or drinks of any kind put up in bottles, shall pay a license as follows : Those whose business amounts to one thousand dollars or over, per month, shall constitute the first class, and pay a license of twenty dollars per month, and those whose business is under one thousand dollars per month, shall constitute the second class, and pay a license of five dollars per month."

Make section 15 section 14 ; section 16 section 15 ; section 17 section 16 ; section 18 section 17 ; section 19 section 18 ; section 20 section 19 ; and amend the said section by striking out the word "fifteen," and inserting the word "twenty." Make section 21 section 20, and amend by inserting the word "register" before the word "tonnage." Make section 22 section 21 ; section 23 section 22 ; section 24 section 23, and make section 23 read as follows :

"SEC. 23. All keepers of mineral springs, when the same are used for bathing purposes, shall pay a license of ten dollars per month, and all keepers of bath houses or bathing establishments other than springs, shall pay a license of ten dollars per quarter."

Make section 24 read as follows :

"SEC. 24. That any company having a line of telegraphs in this Territory shall pay a license as follows : Every business office kept in any city, town or village containing a population of three hundred persons or over, shall pay a license of ten dollars per month. All other telegraph offices kept on roads or stations where general business is transacted, shall pay a license of five dollars per month, said license to be procured in the county where the said office is established."

Make section 25 read as the original section 24.

Amend section 26 by striking out all after word "after," in the second line, and insert "its passage."

On motion of Mr. Ellis, the bill, with report of Select Committee, was made the special order for 3½ o'clock this P. M.

Mr. Donegan introduced H. B. No. 66, "An Act to change the seat of government of Montana Territory." Read first time, when Mr. Comly moved that the bill be rejected.

A call of the House was ordered.

Roll called—absent, Mr. Shafer.

The Sergeant-at-arms reported Mr. Shafer present. A further call of the House was dispensed with.

Mr. Comly's motion to reject, was lost by the following vote:

Ayes—Messrs. Barnes, Comly, Ellis, Estis, Hicks, Lowry, Powers, Rhodes, and Sweeney—9.

Nays—Messrs. Alexander, Brison, Donegan, Findlay, Higley, Kerly, McLaughlin, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—14.

Excused an account of illness, Mr. Cooper.

The bill was then read second time, and on motion of Mr. McLaughlin, the bill was referred to a Select Committee of four—Messrs. McLaughlin, Donegan, Alexander, and Comly.

On motion of Mr. Brison, the resolution offered by Mr. Stewart in relation to evening sessions was laid on the table.

C. B. No. 31, "An Act to amend an act to define the boundary line of Deer Lodge, Beaver Head, and Madison counties," was read first and second time, and referred to a Select Committee of five—Messrs. Donegan, Hicks, Stapleton, Stewart, and Powers.

H. J. R. No. 3, was referred to a Select Committee of three—Messrs. Comly, Donegan, and McLaughlin.

On motion of Mr. Ellis, the House resolved itself into a Committee of the Whole, to consider H. B. No. 12, H. B. No. 47, H. B. No. 1, and C. B. No. 5. Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council:

That H. B. No. 42, "An Act to amend an act defining the duties of Territorial Auditor and Treasurer," has passed the Council, with amendments.

Also, that H. B. No. 38, "An Act concerning boats,"

Also, C. B. No. 35, "An Act authorizing the repeal of an act to incorporate the City of Virginia, approved December 30, 1864,"

Have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

On motion of Mr. Brison, the House took a recess until two P. M.

House resumed. Mr. Speaker in the chair.

The following communication was received from Maj. J. P. Bruce :

VIRGINIA CITY, MONTANA TERRITORY, }
January 8, 1869. }

Hon. A. E. MAYHEW,

Speaker House of Representatives :

DEAR SIR—Permit me, through you, to present to each member and officer of the House over which you preside, a copy of Meagher's Lectures, compiled by myself.

Allow me also to avail myself of this opportunity to return my cordial thanks for the honor and kindness done me in the adoption of the resolution indicating a preference for myself to do the public printing of the present session, which having been unsolicited, is the more highly estimated.

Very respectfully,

JNO. P. BRUCE.

On motion of Mr. Stewart, the following resolution was adopted:

Resolved, That a vote of thanks of this House be and is hereby tendered to the Hon. John P. Bruce, for the compliment tendered the members and attaches of this House, by presenting to them the valuable and highly esteemed book, containing the lectures, messages and speeches of the honorable, beloved and lamented Governor, Thomas Francis Meagher.

The Chief Clerk was instructed to hand Maj. Bruce a copy of the resolution.

The following notices of the introduction of bills were given:

By Mr. Comly, "An Act to repeal an act to repeal an act locating the penitentiary of the Territory of Montana, and to locate the same at Gallatin city, Gallatin county, Territory of Montana."

By Mr. Mayhew, "An Act regarding the offices of Treasurer, Auditor, and Superintendent of Public Instruction."

Mr. Ellis, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—I am instructed by the Committee of the Whole, to report H. B. No. 12 amended so as to read "Seven hundred and thirty-three dollars," instead of \$998, and to recommend that the bill as amended do pass.

Report received.

On motion of Mr. Stewart, the report was adopted.

On motion of Mr. Mayhew, the amendment was adopted, the bill as amended was adopted, and ordered engrossed.

The following communication was received from the Council:

That C. B. No. 38, "An Act explanatory of an act to declare the Military or Mullen road a public highway, approved January 7, 1869,"

Also, C. B. No. 34, "An Act to confer jurisdiction on probate courts in certain cases,"

Have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

On motion of Mr. Ellis, the House resolved itself into Committee of the Whole, to consider general orders. Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

The chairman of Committee of the Whole was granted time to report.

On motion of Mr. Hicks, the House adjourned until to-morrow at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTY-FOURTH DAY.

JANUARY 9, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Ellis reported as follows:

MR. SPEAKER—I am instructed by the Committee of the Whole to report back to the House H. B. No. 1, with the following amendments:

Strike out sections 1 and 2; make section 3 section 1; section 4 section 2; and to recommend its passage.

Report received.

Mr. Comly reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred H. C. R. No. 3, "Appropriating money for the relief of Thomas B. Wade," respectfully report that they believe the amount asked for very reasonable for the service performed, and they have examined the question as to whether the same has been paid by the United States, and find, from the best information, that it has not; and your Committee are still further of the opinion, that the same could not be collected from the General Government, from the fact that the communication from the Secretary of the Interior seems to imply that this service performed by Mr. Wade, was expected from the Territory as preliminary to the appropriation made for building the penitentiary, being paid over to the terri-

torial officers authorized by law to construct the same. Your Committee therefore recommend that the resolution do pass.

H. R. COMLY, *Chairman*.

Report received and adopted.

Mr. Donegan reported C. B. No. 31 back to the House, recommending that the same do pass without amendment.

Report received.

Mr. Comly reported H. B. No. 12 correctly engrossed.

Report received.

C. B. No. 38, "An Act explanatory of an act declaring the Military or Mullen Road a public highway," was read the first and second time, and, on motion of Mr. Wentworth, was indefinitely postponed.

C. B. No. 35, "An Act authorizing the repeal of an act to incorporate the City of Virginia," was read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—23.

Nay—Mr. Speaker—1.

Title agreed to.

C. B. No. 34, "An Act to confer jurisdiction on the probate courts in certain cases," read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wilson, and Mr. Speaker—22.

Nays—Messrs. Comly and Wentworth—2.

Title agreed to.

The House concurred in Council amendments to H. B. No. 42.

H. B. No. 12, "An Act for the compensation of William Perkins," was read third time, and passed by the following vote:

Ayes—Messrs. Brison, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Wilson, and Mr. Speaker—16.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Rhodes, Sweeney, and Wentworth—8.

Title agreed to.

The following communication was received from the Governor:

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 8, 1869. }

To the House of Representatives:

I have to inform your honorable body that I have approved H. B. No. 21, "An Act to regulate the tolls on certain stock, over the toll road from Virginia City, in Madison county, to Sterling, in Hot Spring district."

Also, H. B. No. 44, "An Act to change the name of the town of Farmington."

Very respectfully,

JAMES TUFTS,

Acting Governor.

On motion of Mr. Wentworth, H. B. No. 53, "An Act to repeal an act to prohibit the sale of ardent spirits and firearms to Indians," was indefinitely postponed.

H. J. R. No. 3, "For the relief of Thomas B. Wade," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Absent—Mr. Rhodes.

Title agreed to.

C. B. No. 31, "An Act to amend an act to define the boundary line of Deer Lodge, Beaverhead, and Madison counties," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—24.

Nays—None.

Title agreed to.

On motion of Mr. Powers, the report of the Committee of the Whole upon H. B. No. 1, was rejected by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Kerly, Lowry, Rhodes, Shafer, Stapleton, Strickland, Sweeney, Wentworth, and Wilson—15.

Nays—Messrs. Brison, Estis, Hicks, McLaughlin, Powers, Stewart, and Mr. Speaker—7.

Absent—Messrs. Findlay and Higley.

Mr. Stewart moved that H. B. No. 1 be read third time, and put upon its final passage.

A call of the House was ordered.

Roll called—absent, Messrs. Findlay and Hicks.

The Sergeant-at-Arms reported absentees in their seats. A further call of the House was dispensed with.

Mr. McLaughlin moved that H. B. No. 1 be indefinitely postponed, which was lost by the following vote :

Ayes—Messrs. Donegan, Ellis, Kerly, Lowry, McLaughlin, Powers, Strickland, Wentworth, Wilson, and Mr. Speaker—10.

Nays—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Estis, Hicks, Rhodes, Shafer, Stapleton, Stewart, and Sweeney—12.

Absent—Messrs. Findlay and Higley—2.

H. B. No. 1, "An Act to repeal an act to provide increased compensation to officers in this Territory," was read third time, and lost by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Wentworth, and Wilson—12.

Nays—Messrs. Brison, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Strickland, and Mr. Speaker—12.

Mr. Alexander reported as follows :

MR. SPEAKER—Your Committee beg leave to report H. J. M. No. 2, H. J. M. No. 3, H. J. M. No. 4, H. B. No. 26, H. B. No. 36, H. B. No. 37, and H. B. No. 46, correctly enrolled.

Report received.

On motion of Mr. Strickland, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

On motion of Mr. McLaughlin, the House resolved itself into Committee of the Whole, to consider C. B. No. 5. |

Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair. :

The following communication received from the Council :

That H. B. No. 34, "An Act concerning the collection of revenue," has passed the Council, with amendments.

That H. B. No. 16 passed, with amendments, and the title amended so as to read as follows: "An Act to amend an act providing increased compensation to officers of this Territory."

Also, that C. B. No. 33, "An Act supplementary to an act to provide for the funding of the debt of Montana Territory,"

And C. B. No. 32, "An Act authorizing the county commissioners of Deer Lodge county to levy a special tax,"

Have passed the Council.

Also, that H. B. No. 48, "An Act to legalize certain acts of the county clerks within and for Montana Territory,"

And C. B. No. 6, "An Act to provide for the foreclosure of mortgages containing a power of sale by advertisement,"

Have been indefinitely postponed.

Also, that House substitute for C. B. No. 4, "An Act concerning the drawing of jurors in Deer Lodge and Madison counties," has passed the Council.

C. C. MENAUGH, *Chief Clerk.*

Mr. Stewart was called to the chair.

The following notices of the introduction of bills were given :

By Mr. Donegan, "An Act relating to the conveyance of mining claims."

By Mr. Lowry, "An Act to amend an act to prevent the sale of intoxicating liquors to Indians."

Without previous notice, Mr. Brison introduced H. B. No. 67, "An Act to amend an act creating the office of district attorney in each of the organized districts of Montana Territory."

Read first and second time, and ordered printed.

By Mr. Stapleton, H. B. No. 68, "An Act to amend an act defining the duties of county treasurers, and the payment of county warrants."

Read first and second time, and, on motion of Mr. Comly, referred to the Committee on Ways and Means.

Mr. Alexander moved to take a recess until 7 P. M. Lost.

On motion of Mr. Lowry, the House adjourned until Monday, at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTY-SIXTH DAY.

JANUARY 11, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Mr. Kerly reported H. B. No. 64 correctly printed.

Report received.

Mr. Rhodes reported back to the House, C. J. R. for the relief of Davis & Thoroughman, with the recommendation that the same do pass.

Report received.

Mr. Rhodes also reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 60, have made inquiries in regard to the kinds and number of books spoken of in said bill, and have come to the following conclusion :

That while many of the books would be of benefit to the Territory, a large portion would be of no use to any one, and to pass a bill appropriating an unlimited amount for the payment of freight and expenses, could not be deemed good policy or economy. Your Committee, therefore, recommend that section 2 of said bill be so amended as to authorize the Territorial Auditor to issue an amount not to exceed one thousand dollars.

With such an amendment, your Committee would recommend that the bill do pass.

Report received.

Mr. Rhodes reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 68, have had the same under advisement, and, with the following amendment, recommend that the bill pass:

In section one, line 25, strike out the word "one month," and insert, in lieu thereof, "two months."

Report received.

Mr. Rhodes also reported as follows:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 25, "An Act for the relief of W. M. Couch," find that said Couch, at his own solicitation, received government vouchers for services rendered, which vouchers he yet holds against the government.

We therefore beg leave to report back the said bill, with the recommendation that it be indefinitely postponed.

Report received.

Mr. Alexander reported H. J. M. No. 2, H. J. M. No. 3, H. J. M. No. 4, H. B. No. 26, H. B. No. 36, H. B. No. 37, and H. B. No. 46, handed the Governor for his approval Jan. 9, 1869, at 3 P. M.

Report received.

Mr. McLaughlin reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred H. B. No. 66, "An Act to change the seat of government in and for the Territory of Montana," would report the same back to the House, and recommend that it do not pass.

Report received and adopted, and the Committee discharged.

Mr. Stapleton reported as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 51, "An Act regulating the fees of officers, jurors and witnesses," have had the same under consideration, and report it back to the House, with the recommendation that it do pass, with the following amendments:

In section 2, under the head of fees of clerks in the district court, in line 25, amend so as to read "for entering each decree in chancery, for first folio of one hundred words, one dollar; each additional folio, fifty cents."

Add to the fees of district clerk: "For each registry entry, ten cents." "For index entries, and entries on judgment docket, same fees as are allowed county recorder for like services."

Report received.

Mr. Lowry introduced H. B. No. 69, "An Act to amend an act to prevent the sale of intoxicating liquors to Indians." Read first and second time, and referred to the Committee on Indian Affairs.

Mr. Sweeney introduced H. B. No. 70, "An Act to amend an act defining the boundary lines of counties in Montana Territory." Read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Ellis, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wilson, and Mr. Speaker—21.

Nays—Messrs. Donegan and Wentworth—2.

Excused—Mr. Rhodes.

Title agreed to.

On motion of Mr. Ellis, H. B. No. 34, "An Act providing for the collection of revenue," was referred to a Select Committee of three—Messrs. Ellis, Comly, and Barnes.

C. B. No. 33, "An Act supplementary to an act to provide for the funding of the debt of Montana Territory," was read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, Powers, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—21.

Nays—Messrs. McLaughlin and Shafer—2.

Absent—Mr. Rhodes.

Title agreed to.

C. B. No. 32, "An Act authorizing the county commissioners of Deer Lodge county to levy a special tax for certain purposes," was read first and second time, and referred to a Select Committee composed of the members from Deer Lodge county.

The House refused to concur in Council amendment to H. B. No. 16, and the Chief Clerk was instructed to respectfully request the Council to recede therefrom.

Mr. Donegan introduced H. B. No. 71, "An Act to provide for the conveyance of mining claims." Read first and second time, and referred to the Judiciary Committee.

Mr. Kerly reported H. B. No. 67 correctly printed.

Report received, and bill referred to the Judiciary Committee.

Mr. Higley introduced H. B. No. 72, "An Act to change the county seat of Jefferson county." Read first and second time, and referred to the members from Jefferson county—Messrs. Higley and Stewart.

H. B. No. 64, "An Act establishing a common school system for Montana Territory," was referred to the Committee on Education.

C. J. R. No. 7, for the relief of Davis & Thoroughman, was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Estis, Findlay, Hicks, Higley, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, and Mr. Speaker—17.

Nays—Messrs. Brison, Ellis, Kerly, and Wentworth—4.

Absent—Messrs. Sweeney and Wilson—2.

Excused—Mr. Rhodes.

Title agreed to.

On motion of Mr. Kerly, the amendments reported by the Committee on Ways and Means, upon H. B. No. 60, were adopted.

On motion of Mr. Wentworth, the bill as amended was adopted, and ordered engrossed.

H. B. No. 68, "An Act to amend an act defining the duties of county treasurers, and the payment of county warrants," was amended, adopted as amended, and the Chief Clerk instructed to insert amendments. Bill read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—22.

Absent—Mr. Wilson.

Excused—Mr. Rhodes.

Title agreed to.

On motion of Mr. Ellis, H. B. No. 25, "An Act for the relief of W. M. Couch," was indefinitely postponed.

On motion of Mr. Comly, the following resolution was adopted :

Resolved, That the Chief Clerk be instructed to return to the Council, H. B. No. 42, "An Act to amend an act defining the duties of Territorial Auditor and Treasurer of the Territory of Montana," and to respectfully request that honorable body to inform the House, whether it was the intention of the Council to amend said bill as interlined, stricken out, and added to, as appears on the face of the original bill, and is not shown in the transcript of Council amendments returned to the House, as it appears to this body such method of amendment is irregular.

On motion of Mr. Strickland, H. B. No. 66, "An Act to change the seat of government in and for Montana Territory," was indefinitely postponed by the following vote :

Ayes—Messrs. Barnes, Brison, Comly, Ellis, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Stapleton, Stewart, Strickland, Sweeney, and Mr. Speaker—16.

Nays—Messrs. Alexander, Donegan, Findlay, Shafer, and Wentworth—5.

Absent—Messrs. Cooper and Wilson.

Excused—Mr. Rhodes.

On motion of Mr. Stewart, the following resolution was adopted :

Resolved, That during the remainder of the session, the House hold evening sessions, commencing at 7 P. M.

On motion of Mr. Stewart, the amendments reported by the Judiciary Committee to H. B. No. 51, "An Act regulating the fees of officers," were adopted.

Mr. Strickland moved that the bill be indefinitely postponed, which was lost by the following vote:

Ayes—Messrs. Brison, Donegan, Hicks, Higley, McLaughlin, Powers, Stewart, and Strickland—8.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Ellis, Estis, Findlay, Kerly, Lowry, Shafer, Stapleton, Sweeney, Wentworth, and Mr. Speaker—14.

Absent—Mr. Wilson.

Excused—Mr. Rhodes.

On motion of Mr. Lowry, H. B. No. 51 was made the special order for 3½ this P. M., to be considered in Committee of the Whole.

Mr. Powers moved to take a recess until 2 P. M. Lost.

On motion of Mr. Ellis, the House resolved itself into Committee of the Whole, to consider C. B. No 5, "An Act concerning licenses." Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Brison, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

Mr. Brison, by leave, introduced H. J. R. No. 4, "For the relief of W. M. Stafford," which was read first and second time, and referred to the Judiciary Committee.

Mr. Ellis reported as follows:

MR. SPEAKER—The Committee of the Whole, having considered C. B. No. 5, together with the amendments, reported thereon by the Select Committee, instruct me to report the amendments hereunto annexed, and recommend the passage of the bill as amended:

That section 1 be adopted as proposed by the Select Committee, except the word "serenaders," which is to be stricken out.

Adopt section 2 as amended by the Select Committee. Add after the word "ranchmen," "whose receipts for herding exceed twenty dollars per month." That the inserting of eight in place of ten dollars should apply to keepers of hay yards and corrals. Strike out after the word "herders," and insert the following: "All keepers of liveries, who keep buggies, carriages, sleighs and other vehicles for hire, shall pay a license of two dollars and fifty cents for each and every vehicle per quarter."

Strike out the words "one thousand," as proposed by the Committee, in section 3, and insert the words "five hundred," and adopt section 3, with this and the amendments proposed by the Committee, except the alteration noted.

Section 4 and section 5 to be adopted as proposed by the Select Committee.

Section 6, as proposed by the Select Committee, with this further amendment: Strike out the word "in-door," also, the words "goods, wares or merchandise," and strike out the words "twenty-five," and insert the word "fifty."

That sections 7, 8, 9, and 10, be adopted as proposed by the Select Committee.

That section 11 of the original bill be amended by striking out "one-half of one per cent.," and inserting "one-quarter of one per cent."

That sections 12 and 13 of the original bill be adopted.

That section 14 be adopted as amended by the Select Committee.

That sections 15, 16, 17, 18, and 19, of the original bill, be adopted.

Amend section 20 as reported by Select Committee.

That sections 21 and 22 be adopted.

That section 23 be adopted as in the original bill.

That section 24 be stricken out, and section 23 as reported by Select Committee, be made to read section 24.

That section 24 be made section 25, as reported by the Select Committee.

That section 26 be made to read as the original section 24.

That section 26, of original bill, be made section 27, and amended by striking out the words "from and after the first day of January, A. D. 1869," and inserting the words "from and after its passage."

Report received.

On motion of Mr. Stewart, the amendments were adopted, and the bill adopted as amended.

On motion of Mr. Comly, C. B. No. 5, "An Act concerning licenses," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Excused—Mr. Rhodes.

Title agreed to.

Mr. Comly reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred H. B. No. 34, "An Act providing for the collection of revenue," respectfully report the same back to the House, and recommend that the amendments of the Council be concurred in.

On motion of Mr. Stewart, the House concurred in Council amendments to H. B. No. 34, and bill ordered enrolled.

Without previous notice, Mr. Stapleton introduced H. B. No. 73, "An Act to amend an act securing liens to mechanics and others."

Read first and second time, and referred to the Judiciary Committee.

By leave, Mr. McLaughlin introduced H. B. No. 74, "An Act requiring the county commissioners of Deer Lodge county to pay D. P. Newcomer for services rendered Deer Lodge county."

Read first and second time, and referred to Messrs. Hicks, Kerly, McLaughlin, and Strickland, of Deer Lodge county."

The following communication was received from the Council :

That Mr. Davis introduced C. B. No. 39, "An Act to amend an act in relation to forcible entry and detainer."

That C. B. No. 40, "An Act to repeal section 20 of an act concerning the foreclosure of mortgages, approved February 8, 1865," has passed the Council.

That C. B. No. 15, "An Act to amend an act to regulate proceedings in civil cases, in courts of justice of Montana Territory," has been indefinitely postponed.

C. C. MENAUGH, *Chief Clerk*.

Mr. Ellis reported as follows :

MR. SPEAKER—Your Committee of the Whole, having considered H. B. No. 47, have instructed me to report that the said bill be indefinitely postponed.

Report received and adopted.

Mr. Donegan moved to indefinitely postpone H. B. No. 47, which was lost by the following vote:

Ayes—Messrs. Barnes, Brison, Donegan, Estis, Findlay, McLaughlin, Stapleton, Strickland, and Wentworth—9.

Nays—Messrs. Alexander, Comly, Cooper, Ellis, Higley, Kerly, Lowry, Powers, Shafer, Stewart, Sweeney, Wilson, and Mr. Speaker—13.

Absent—Mr. Hicks.

Excused—Mr. Rhodes.

Mr. McLaughlin moved that H. B. No. 47 be made the special order for Friday, 15th inst., at 11½ A. M. Lost.

Mr. Stewart moved to make the bill the special order for 7½ P. M.

Mr. Brison moved to lay Mr. Stewart's motion on the table. Lost.

Mr. Stewart's motion prevailed, and the bill was made the special order for 7½ this P. M.

Mr. Sweeney reported as follows :

MR. SPEAKER—Your Committee on Education, having under consideration H. B. No. 64, beg leave to report the same back, and recommend its passage with the following amendments:

Amend section 9, chapter 2, line second; after the word "Superintendent," insert the words "Territorial Superintendent."

Amend section 1, chapter 4, first line, by striking out the word "fifteen," and inserting the word "four."

Amend section 8, chapter 5, third line; insert after the word "than," the word "four;" in the sixth line, same section, after the word "than," insert the word "four."

Amend section 9, second line; after the word "districts," insert the words "to the number of four."

Amend section 2, chapter 6, second line, by striking out the word "five," and inserting the word "three."

Report received.

On motion of Mr. McLaughlin, the House resolved itself into Committee of the Whole, to consider H. B. No. 64, with amendments.

Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

The following message was received from the Governor, through Mr. O. O. Cullen, his Private Secretary :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 11, 1869. }

To the House of Representatives :

I have to inform your honorable body, that I have approved H. B. No. 26, "An Act to legalize the district records of Jefferson county."

Also, House Bill No. 36, "An Act to regulate appeals from the probate courts to the district courts of the Territory of Montana."

Also, House Bill No. 37, "An Act amendatory of an act relating to counties and county officers, approved February 9, 1865."

Also, House Bill No. 46, "An Act to repeal an act to prevent the sale of intoxicating liquors to soldiers."

Also, House Joint Memorial No. 2, "Asking Congress for an appropriation to pay military debt."

Also, House Joint Memorial No. 3, "Asking a reconsideration of the treaty with the Crow nation."

Also, House Joint Memorial No. 4, "To the Congress of the United States, praying for the removal of the Flat Head Indians from the Bitter Root Valley, in the county of Missoula, to their reservation on the Jocko."

Very respectfully,

JAMES TUFTS,

Acting Governor.

Mr. Ellis, chairman of the Committee of the Whole, reported Messrs. Brison, Estis, Hicks, Higley, Kerly, Lowry, and Stewart, absent.

Mr. Ellis in the chair.

The Sergeant-at-Arms was instructed to bring in the absentees.

By leave, Mr. Stapleton introduced H. B. No. 75, "An Act amendatory and supplemental to an act creating certain offices in the Territory of Montana, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies, approved November 16, 1867," which was read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Findlay, Higley, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wilson, and Mr. Speaker—17.

Nay—Mr. Wentworth.

Absent—Messrs. Brison, Estis, Hicks, Kerly, and Lowry—5.

Excused—Mr. Rhodes.

Title agreed to.

The House then resolved itself into Committee of the Whole, to consider H. B. No. 64.

Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

By leave, Mr. Stapleton introduced H. J. R. No. 5, "For the relief of William Y. Lovell."

Read first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Strickland, the House took a recess until 7 P. M.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Stewart, the House resolved itself into Committee of the Whole, to consider H. B. No. 64.

Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council :

That H. B. No. 30, "An Act to amend an act to provide for the laying out and establishing a territorial road from Bozeman City, in Gallatin county, to Helena, in Edgerton county," has been indefinitely postponed.

C. C. MENAUGH, *Chief Clerk.*

On motion of Mr. Strickland, the House adjourned until tomorrow, at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTY-SEVENTH DAY.

JANUARY 12, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

Mr. Alexander reported H. B. No. 38 correctly enrolled.

Report received.

Mr. Rhodes, chairman of the Committee on Ways and Means, reported a substitute for H. J. R. No. 5.

Report received.

The Committee on Ways and Means reported back to the House H. B. No. 59, with a recommendation that the same do not pass, for the reason that they are of the opinion that Missoula county has no claims against the Territory for the amount named in the bill.

Report received.

Mr. Barnes, of the Committee on Indian Affairs, reported H. B. No. 69 back to the House, recommending its passage.

Mr. Stapleton, chairman of the Judiciary Committee, reported H. B. No. 67 back to the House, recommending the passage of the same, with the following amendments:

Amend section 2, by inserting after the word "jurors," in 7th line, "and shall be the legal advisers of territorial, county and township officers."

Amend further, by striking out section 3.

Report received.

Mr. Stapleton, chairman Judiciary Committee, reported a substitute for H. B. No. 71, assigning the following reason: that as the object of the act is to allow conveyances of placer mining claims to be made by deed or bill of sale without acknowledgment, that the object may be more readily accomplished by amending section 3 of "An Act concerning conveyances."

The Committee recommend the adoption and passage of the substitute.

Report received.

The following communication was received from the Council:

That C. B. No. 25, "An Act to regulate proceedings in civil cases in courts of justice of Montana Territory,"

Also, H. B. No. 65, "An Act to amend an act to prevent the collection of illegal tolls,"

Also, H. J. M. No. 6, "Asking for an amendment to the organic act of Montana Territory,"

Have passed the Council.

Also, that H. B. No. 62, "An Act to repeal an act relating to the discovery and possessory right to all placer mines," has been rejected.

Also, that the Council refuses to recede from its amendments to H. B. No. 16, "An Act to amend an act to provide increased compensation to officers of this Territory," and insists upon its amendments.

I am also instructed to return to your honorable body, the resolution in relation to H. B. No. 42, "An Act to amend an act defining the duties of Territorial Auditor and Treasurer," and respectfully request the history thereof, as it does not appear on the resolution; such method appears to the Council as irregular.

C. C. MENAUGH, *Chief Clerk.*

Mr. Stapleton, chairman Judiciary Committee, reported as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. J. R. No. 4, "to pay W. M. Stafford for legal services, have had the same under consideration, and after carefully exam-

ining the accompanying letter and certificate of the Territorial Auditor, find that said Auditor, believing that he had the right to employ his own attorneys and legal advisers, did so employ Messrs. Davis & Thoroughman, as counsel on the part of the Territory, in the case of *Carpenter v. W. H. Rodgers*, Territorial Auditor; and that after they were so employed, the said W. M. Stafford claimed that it was his right as well as his duty, as district attorney, to attend to said case free of charge, and did assist in conducting said case with that understanding.

Your Committee also find, that there was presented to this body a bill by said Davis & Thoroughman, for services rendered the Territory, including a fee for said case of *Carpenter v. Rodgers*, and that said bill has been allowed, and the Auditor authorized to issue a warrant therefor to said Davis & Thoroughman, thereby discharging and paying the debt of the Territory for said service.

Your Committee further find, that the fees charged by the attorneys, Davis & Thoroughman, and Stafford, amount to much more than the amount claimed by said Carpenter as due him from the Territory, and for which suit was brought, and that it would have been cheaper for the Territory to have paid Carpenter his bill, whether legal or illegal, than to pay the attorney's fees.

Your Committee do not believe that the Territory can or ought in justice to be required to pay any further or additional amount for said services. They therefore recommend that the resolution do not pass.

Report received.

The Committee on Mines and Minerals reported back to the House H. B. No. 41, for further consideration.

Report received.

Also, upon H. B. No. 61, that the same do pass without amendment.

Report received.

Mr. Ellis reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred

H. B. No. 45, "An Act to make the sheriff of Gallatin county ex officio treasurer of said county," beg leave to report :

Believing that it is the desire of Gallatin county to have such a law enacted, whereby their county expenses will be lessened, we respectfully propose some amendments, and recommend that the bill as amended do pass.

Amend the title of said bill, by adding "and Collector" after the word "Treasurer."

Amend section 1, by adding the words "and Collector" after the word "Treasurer" in the 6th line.

Amend section 3, by adding the words "and Collector" after the word "Treasurer" in the first line.

Also, add the words "and Collector" after the word "Treasurer" in the last line of said section.

Report adopted, and Committee discharged.

Mr. McLaughlin, chairman of Select Committee, reported back to the House H. B. No. 32, "An Act to authorize the county commissioners of Deer Lodge county to levy a special tax," recommending the passage of the bill, with the following amendments :

Amend section 1, by striking out the word "three" and figure "3" in fourth line, and inserting, in their stead, the word "two" and the figure "2."

Report received, adopted, and Committee discharged.

Mr. Comly reported H. B. No. 60 correctly engrossed.

Report received.

On motion, Messrs. Stewart and Stapleton were appointed a Committee on the part of the House, to confer with a like Committee of the Council, and report upon H. B. No. 16.

H. B. No. 65, and H. J. M. No. 6, were ordered enrolled.

The Chief Clerk was instructed to respectfully ask the Council if they had agreed upon the title to C. B. No. 40.

C. B. No. 25, "An Act to amend an act to regulate proceedings in civil cases in the courts of justice of Montana Territory," was read first and second time, and referred to Judiciary Committee.

On motion of Mr. Comly, the following resolution was adopted :

Resolved, That the Chief Clerk be instructed to request the Council to examine the journal of that honorable body and inform the House, whether or not the amendments, obliterations and additions, appearing on the face of H. B. No. 42, were made by authority of that body, as the Council amendments appearing by the transcript of amendments sent to the House, do not show that the Council ever made such amendments, and the House has no means of examining the journal of that body, to determine the same.

The Committee on Judiciary reported back H. B. No. 73, recommending its passage, with the following amendment :

Amend section 1, by inserting after the word "another" and before "but," the words "of like character."

Report received.

By leave, Mr. Estis introduced H. J. M. No. 7, " Asking Congress to construct a road from Box Elder, in Utah, to Helena, in Montana Territory."

Read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—20.

Nay—Mr. Lowry.

Absent—Messrs. Shafer and Wilson.

Excused—Mr. Rhodes.

Title agreed to.

On motion of Mr. Brison, Mr. Wilson was excused from attendance during the day.

By leave, Mr. McLaughlin introduced H. B. No. 76, " An Act to amend an act relating to the discovery of gold and silver quartz lodes, leads or ledges, and the manner of their location."

Read first and second time, and referred to a Select Committee of four—Messrs. McLaughlin, Stapleton, Powers, and Donegan.

On motion of Mr. Brison, the amendments reported by the Committee on Judiciary, to H. B. No. 67, were adopted, the bill adopted as amended, and ordered engrossed for third reading.

By leave, Mr. McLaughlin introduced H. B. No. 77, "An Act to declare the old road from Gallaher's ferry, on the Missouri river, to Helena, a public highway."

Read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, and Wentworth—18.

Nays—Messrs. Comly, Ellis, and Mr. Speaker—3.

Absent—Mr. Findlay.

Excused—Mr. Rhodes.

Mr. Comly offered the following amendment to the title to the bill :

"An Act declaratory of an act passed by the fourth session of the Legislative Assembly of the Territory of Montana."

On motion of Mr. Strickland, the amendment was laid on the table.

The title expressed in the bill was then agreed to.

Mr. Strickland reported H. B. No. 74 back to the House, with a substitute, and recommended that the substitute do pass.

Report received.

On motion of Mr. Stewart, the substitute was adopted, and committee discharged.

H. B. No. 74, "An Act requiring the county commissioners of Deer Lodge county to pay D. P. Newcomer for services rendered Deer Lodge county," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper,

Donegan, Ellis, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—21.

Absent—Mr. Findlay.

Excused—Messrs. Rhodes and Wilson.

Title agreed to.

On motion of Mr. Comly, the enrolling clerk was authorized to employ an assistant for the remainder of the session.

H. B. No. 60, "An Act to authorize the Territorial Librarian to send for books, and to pay freight thereon," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Sweeney, Wentworth, and Mr. Speaker—19.

Nays—Messrs. Ellis and Strickland—2.

Absent—Mr. Findlay.

Excused—Messrs. Rhodes and Wilson.

Title agreed to.

H. B. No. 41, on motion of Mr. Donegan, was referred to a Select Committee—Messrs. McLaughlin, Stapleton, Powers, and Donegan.

On motion of Mr. Donegan, H. B. No. 45, "An Act to make the sheriff of Gallatin county ex officio treasurer and collector," was adopted as amended, and ordered engrossed for a third reading.

H. B. No. 61, "An Act amendatory of an act relative to the discovery and possessory right of all placer mines," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—22.

Nays—None.

Excused—Messrs. Rhodes and Wilson.

Title agreed to.

C. B. No. 32, "An Act authorizing the county commissioners of Deer Lodge county to levy a special tax for certain purposes," was adopted as amended, read third time, and lost by the following vote:

Ayes—None.

Nays—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—21.

Absent—Mr. Lowry.

Excused—Messrs. Rhodes and Wilson.

The House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Strickland, H. B. No. 59, "An Act for the relief of Missoula county," was indefinitely postponed.

On motion of Mr. Lowry, H. B. No. 69, "An Act to amend an act to prevent the sale of intoxicating liquors to Indians," was considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Donegan, Ellis, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, and Mr. Speaker—19.

Nays—Messrs. Cooper and Wentworth—2.

Absent—Mr. Findlay.

Excused—Messrs. Rhodes and Wilson.

Title agreed to.

The following communication was received from the Council:

That C. B. No. 41, "An Act repealing part of section 6 of an act relating to the discovery of gold and silver quartz lodes, leads or ledges, and the manner of their location,"

Also, C. B. No. 26, "An Act to amend an act relative to the pre-emption of town sites upon the public lands, and the disposal of trusts created thereby,"

Also, H. B. No. 54, "An Act to amend an act concerning crimes and punishments,"

Also, H. B. No. 55, "An Act to amend section 5 of an act to amend an act concerning crimes and punishments,"

Also, H. B. No. 49, "An Act to authorize the Territorial Auditor to issue a duplicate warrant in lieu of warrant No. 3, 248, to E. W. Haskell,"

Also, H. B. No. 57, "An Act to amend an act supplementary to an act to amend an act to locate the seat of government in and for the Territory of Montana, approved January 2, 1869,"

Have passed the Council.

Also, that H. B. No. 70, "An Act to amend an act defining the boundary lines of counties in Montana Territory, approved February 2, 1865," has been indefinitely postponed.

Also, that the Council has agreed to the title to C. B. No. 40, "An Act to repeal section 20 of an act concerning the foreclosure of mortgages, approved February 8, 1865,"

Also, that the amendments to H. B. No. 42, "An Act to amend an act defining the duties of the Territorial Auditor and Treasurer of the Territory of Montana,"

Have been properly engrossed.

Also, that C. C. R. No. 8, "Appropriating money to John A. Carr," has passed the Council.

Also, that the vote by which H. B. No. 30 was lost in the Council has been reconsidered, and the Council request the House to return said bill to the Council.

C. C. MENAUGH, *Chief Clerk.*

On motion of Mr. Donegan, the substitute reported for H. B. No. 71, "An Act to provide for the conveyance of mining claims," was adopted, rules suspended, bill read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin,

Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—21.

Nays—None.

Excused—Messrs. Ellis, Rhodes, and Wilson.

Title agreed to.

On motion of Mr. Alexander, the substitute reported for H. J. R. No. 5, "Appropriating money to W. Y. Lovell," was adopted, resolution read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Sweeney, Wentworth, Wilson, and Mr. Speaker—22.

Nay—Mr. Strickland.

Excused—Mr. Rhodes.

Title agreed to.

On motion of Mr. Strickland, H. J. R. No. 4, "For the relief of W. M. Stafford," was indefinitely postponed.

Mr. Ellis, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—I am instructed by the Committee of the Whole to report H. B. No. 64, "An Act establishing a common school system for the Territory of Montana," back to the House, together with amendments hereunto annexed, and to recommend that the bill, as amended, do pass.

Amend section 10, of chapter 1, by inserting the word "white" after the word "every," in the first line.

Amend section 9, under the title of "Teachers," by striking out the word "five" after the word "superintendent," and inserting the word "one."

Amend section 1, of chapter 4, by striking out the word "fifteen" in second line, and inserting the word "four."

Strike out in section 3, chapter 4, seventh subdivision, after the word "five," and insert the word "one."

Amend section 8, of chapter 5, by filling blank with the word "four," and in the fourth line, between the word "Territory,"

and before the words "in which the county superintendent's report for 1868 showed less than four organized districts."

Amend section 5, of chapter 5, by striking out the words "twenty-five," and inserting the words "twenty-one."

Amend section 6, of same chapter, by striking out the word "five," and inserting the word "three."

Amend section 8, of same chapter, by filling blank with the word "four."

Amend section 12, by striking out the words, "Attorney General."

Amend section 2, of chapter 6, by striking out the word "five," and inserting the word "two."

Strike out in section 3 the word "two," and insert the word "one." Also, strike out the word "five," and insert the word "three."

Amend section 4; strike out the words "per diem," and insert the following: "Five dollars per day for the number of days necessary in the discharge of duty in taking the census," etc. And strike out all after the word "service," in the said section.

J. M. ELLIS, *Chairman*.

On motion of Mr. Comly, the amendments were adopted, and the bill adopted as amended.

Mr. Wentworth offered the following amendments:

Amend chapter 5, section 9, by striking out the words "not" and "any," in ninth line; and strike out "any," in tenth line, and insert "said," in its place.

On motion of Mr. Comly, the amendments offered by Mr. Wentworth were laid on the table.

Mr. Donegan offered the following amendment:

Amend section 4, chapter 6. "And any such clerk who shall make fraudulent or excessive returns of the number of children in his district, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars. Such fine to be applied to the school fund."

The amendment was adopted, the bill adopted as amended, and ordered engrossed for third reading.

Mr. Comly reported H. B. No. 67 correctly engrossed. }

Report received.

H. B. No. 67, "An Act to amend an act creating the office of District Attorney in each of the organized districts of Montana Territory," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donagan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—22.

Nays—None.

Absent—Mr. Sweeney.

Excused—Mr. Rhodes.

Title agreed to.

On motion of Mr. Ellis, the amendments to H. B. No. 73, "An Act to amend an act securing liens to mechanics and others," as reported by the Judiciary Committee, were adopted, the bill as amended adopted, and ordered engrossed for third reading.

On motion of Mr. Comly, the Engrossing Clerk was authorized to employ an assistant.

Mr. Higley reported as follows :

MR. SPEAKER — As chairman of the Select Committee to whom was referred H. B. No. 72, "An Act to allow the people of Jefferson county to change the county seat of said county," I beg leave to report :

Believing, as I do, from having read the petition of over two hundred *bona fide* citizens of Jefferson county, that it is the desire of the people to again be allowed to vote on the location of the county seat, I have waited until this late hour in order that a remonstrance might be forwarded to this Legislature. The people of Jefferson county are well aware that the petition which I have,

asking to again re-locate the county seat, is before the Legislative Assembly. No remonstrance having been forwarded, it is my belief that a majority of the people of Jefferson county desire to be allowed the privilege of voting on the location of the county seat, at the next general election. I would therefore report the bill back to the House, with a recommendation that the same do pass without amendment.

Report received, and laid on the table until to-morrow.

Mr. Stewart was granted time to report upon the same bill.

Mr. Stapleton, chairman of the Judiciary Committee, reported back to the House C. B. No. 25, with a recommendation that it do pass, with the following amendments :

Add, after section 18 :

"SECTION 19. That 'An Act amendatory of an act to regulate proceedings in civil cases in the courts of justice of Montana Territory, approved December 23, 1867,' and all other acts or parts of acts in conflict with the provisions of this act be, and the same are hereby repealed.

"SECTION 20. This act to take effect and be in force from and after its passage."

G. W. STAPLETON, *Chairman*.

Report received, amendments adopted, and bill adopted as amended.

On motion of Mr. Comly, the rules were suspended, C. B. No. 25, "An Act to amend an act to regulate proceedings in civil cases in courts of justice of Montana Territory," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nays—None.

Excused—Mr. Rhodes.

Title agreed to.

Mr. McLaughlin, chairman of the Select Committee, reported as follows :

Your Select Committee, to whom was referred H. B. No. 41 and H. B. No. 76, have had the same under consideration, and would report them back to the House, recommending that both bills be read at length, and separate action taken thereon. It is the opinion of your Committee that there are many good features and changes recommended by both bills ; and it is the further opinion of your Committee that our present quartz law should be amended, so as to made it more operative in the matter of representation. Your Committee would recommend the following amendments to H. B. No. 76 : Make section 11, section 12 ; section 12, section 13.

J. McLAUGHLIN, *Chairman*.

Report received.

Mr. Comly moved to recommit to same Committee.

Motion lost.

H. B. No. 41, and H. B. No. 76, were referred to a Select Committee of three—Messrs. Stewart, Alexander, and Kerly.

On motion of Mr. Comly, the House resolved itself into Committee of the Whole, to consider general orders. Mr. Ellis in the chair.

House resumed. Mr. Speaker in the chair.

By leave, Mr. Hicks introduced H. B. No. 78, "An Act authorizing a special tax to belevied in Deer Lodge county.

Read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—19.

Nay—Mr. Speaker.

Absent—Messrs. Brison, Comly, and Shafer.

Excused—Mr. Rhodes.

Title agreed to.

On motion of Mr. Brison, the House took a recess until 7 P. M.

House resumed. Mr. Speaker in the chair.

By leave, Mr. Comly introduced H. B. No. 79, "An act to provide for the publication of the laws passed by the Fifth Legislative Assembly."

Read first and second time, and referred to a Select Committee of five—Messrs. McLaughlin, Stapleton, Stewart, Lowry, and Comly.

H. B. No. 54, H. B. No. 55, H. B. No. 49, and H. B. No. 57, were ordered enrolled.

C. B. No. 26, "An Act to amend an act relating to the pre-emption of town sites upon the public lands, and the disposal of trusts created thereby," was read first and second time, and on motion of Mr. Comly, was referred to a Select Committee of three.

The Speaker appointed Messrs. Comly, Stapleton, and Hicks, such Committee.

Mr. Alexander reported H. B. No. 38, "An Act concerning boats," handed the Governor for his approval at 2 P. M. to-day.

Report received.

C. C. R. No. 8, "To pay John A. Carr," was read first and second time, and referred to Committee on Ways and Means.

C. B. No. 41, "An Act repealing part of section 6 of an act relating to the discovery of gold and silver quartz leads, lodes,

or ledges, and the manner of their location, approved December 25, 1867," was read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Ellis, Estis, Findlay, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—20.

Nay—Mr. Hicks.

Absent—Messrs. Brison and Donegan.

Excused—Mr. Rhodes.

Title agreed to.

C. B. No. 40, "An Act to repeal section 20 of an act concerning the foreclosure of mortgages," was read first and second time, and referred to Judiciary Committee.

H. B. No. 42 was ordered enrolled.

On motion of Mr. Comly, the House adjourned until to-morrow at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTY-EIGHTH DAY.

JANUARY 13, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

Minutes of yesterday read and approved.

The Committee on Ways and Means, to whom was referred C. C. R. No. 8, recommended that the allowance of \$427.30, therein specified, be made.

Report received.

Mr. Stapleton, chairman of the Judiciary Committee, reported back to the House C. B. No. 40, recommending its passage, with the following amendments :

Make section 2 read as follows :

“SECTION 2. This act to take effect and be in force from and after its passage.”

Report received.

Mr. Comly reported H. B. No. 45, and H. B. No. 73, correctly engrossed.

Report received.

Mr. Comly reported C. B. No. 26 back to the House, recommending its passage without amendment.

Report received, adopted, and committee discharged.

Mr. Stewart reported the following amendment to H. B. No. 72 :

Amend section 1, in line 2, by striking out the words “at the next general election,” and inserting, in lieu thereof, the words “at the general election A. D. 1870.”

The motion to adopt the report was lost.

Mr. Higley's report was then adopted, and the committee discharged.

By leave, Mr. Stapleton introduced H. B. No. 80, "An Act to amend an act to regulate proceedings in civil cases in the courts of justice of Montana Territory."

Read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Cooper, Donegan, Findlay, Hicks, Higley, Kerly, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—18.

Nay—Mr. Comly.

Absent—Messrs. Brison, Estis, and Lowry.

Excused—Messrs. Ellis and McLaughlin.

Title agreed to.

On motion of Mr. McLaughlin, the following resolution was adopted :

Resolved, By the House of Representatives, That a committee of four be appointed to report to this House, what general laws passed at this session of the Legislature are necessary to be printed, and determine, if they can, the cost of such printing.

On motion of Mr. Stapleton, the following resolution was adopted :

Resolved, By the House, the Council concurring, That JAMES TUFTS, Secretary, and Acting Governor of the Territory, be requested to have the laws passed at the fourth and fifth sessions of the Legislature of the Territory, published in one volume, at the expense of the General Government.

On motion of Mr. Stewart, the following resolution was adopted :

Whereas, it is the desire of some of the members of this House that the general laws passed at this session of the Legislature be published in the "Tri-Weekly Democrat," and "Tri-Weekly Gazette;" therefore,

Be it Resolved, That the Hon. John P. Bruce be requested to inform this House, in writing, the probable cost of such publication, in the "Tri-Weekly Democrat."

H. B. No. 45, "An Act to make the sheriff of Gallatin county ex officio treasurer and collector of said county," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Wilson—23.

Nay—Mr. Speaker—1.

Title agreed to.

H. B. No. 73, "An Act to amend an act securing liens to mechanics and others," was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—24.

Title agreed to.

On motion of Mr. Brison, H. B. No. 47, "An Act to establish an insane asylum and hospital," was indefinitely postponed.

Mr. Stewart offered the following amendment to H. B. No. 72 :

Strike out all between the words "the" and "shall," and insert the words "at the general election, A. D. 1870," which amendment was lost by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Lowry, Stapleton, Stewart, Wentworth, Wilson, and Mr. Speaker—9.

Nays—Messrs. Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Strickland, and Sweeney—15.

On motion of Mr. Comly, the bill was read third time, when a call of the House was ordered. Absent, Mr. Hicks.

On motion of Mr. Ellis, a further call was dispensed with.

The vote was then taken on the passage of H. B. No. 72, "An Act to authorize the citizens of Jefferson county to change the county seat of said county."

Ayes—Messrs. Comly, Cooper, Estis, Findlay, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Strickland, and Sweeney—12.

Nays—Messrs. Alexander, Barnes, Brison, Donegan, Ellis, Shafer, Stapleton, Stewart, Wentworth, Wilson, and Mr. Speaker—11.

Absent—Mr. Lowry.

Title agreed to.

C. B. No. 26, "An Act to amend an act relative to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby, approved December 12, 1867," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Strickland, Sweeney, Wentworth, and Mr. Speaker—20.

Nays—None.

Absent—Messrs. Findlay, Higley, Stewart, and Wilson.

Title agreed to.

The following communication was received from the Council:

That C. B. No. 27, "An Act for the relief of Addison Smith, treasurer of Deer Lodge county,"

Also, C. J. R. No. 4, "For the relief of certain persons,"

Have passed the Council.

Also, that H. B. No. 75, "An Act amendatory and supplemental to an act creating certain offices in the Territory of Montana, declaring to whom resignations shall be made, when the office shall be deemed vacant, and the manner of filling vacancies," has passed the Council, with amendments.

Also, that H. B. No. 78, "An Act authorizing the levying of a special tax in Deer Lodge county," has passed the Council.

Also, that H. J. R. No. 5, "For the relief of W. Y. Lovell," has passed the Council.

Also, that the Council has appointed Messrs. Corum and Mitchell a Conference Committee on H. B. No. 16.

Also, that H. J. M. No. 7, "Praying for the construction of a military road from some point on the Union Pacific Railroad near Box Elder, Utah Territory, to Helena, in Montana Territory," has passed the Council.

Also, that the enacting clause to H. B. No. 69, "An Act to amend an act to prevent the sale of intoxicating liquors to Indians in Montana Territory," has been stricken from the bill.

Also, that the Council has concurred in House amendments to C. B. No. 25, "An Act to amend an act to regulate proceedings in civil cases in courts of justice of Montana Territory."

Also, that H. B. No. 61, "An Act amendatory of an act entitled an act relative to the discovery and possessory right of all placer mines," has been rejected in the Council.

Also, that H. B. No. 74, "An Act requiring the county commissioners of Deer Lodge county to pay D. P. Newcomer," has passed the Council.

C. C. MENAUGH, *Chief Clerk.*

On motion, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

C. J. R. No. 8, "For the relief of John A. Carr," was read for information, and, on motion of Mr. McLaughlin, was referred to a select committee of three—Messrs. McLaughlin, Kerly, and Brison.

On motion of Mr. McLaughlin, the amendments to C. B. No. 40, "An Act to repeal section 20 of an act concerning the foreclosure of mortgages," reported by the Judiciary Committee, were adopted.

On motion of Mr. Brison, the bill as amended was adopted.

On motion of Mr. Comly, the bill was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Absent—Mr. Findlay.

Title agreed to.

The following committee was appointed to wait upon the Governor, to inquire in regard to printing the laws: Messrs. Strickland, McLaughlin, and Donegan.

H. J. M. No. 7, H. J. R. No. 5, and H. B. No. 74, were ordered enrolled.

The House concurred in Council amendment to H. B. No. 75, and bill ordered enrolled.

H. B. No. 78 was ordered enrolled.

C. J. R. No. 4, "For the relief of certain persons," was read first and second time, and was referred to a select committee, consisting of Messrs. Alexander, Ellis, and Rhodes.

C. B. No. 27, "An Act for the relief of Addison Smith," was read first and second time, and referred to a select committee of three—Messrs. Hicks, Kerly, and Strickland.

The following communication was received from the Council:

That H. C. R., "For the relief of Thomas B. Wade," has passed the Council.

Also, that H. B. No. 63, "An Act to amend an act concerning fugitives from justice," has passed the Council, with amendments.

Also, that H. B. No. 68, "An Act to amend an act defining the duties of county treasurer, and the payment of county warrants," has passed the Council.

C. C. MENAUGH, *Chief Clerk*.

H. J. R. No. 3, and H. B. No. 68, were ordered enrolled.

The House refused to concur in Council amendments to H. B. No. 63, and instructed the Chief Clerk to respectfully request the Council to recede therefrom.

Mr. Lowry introduced H. B. No. 81, "An Act to authorize the county commissioners of Choteau county to establish a system of wharfage at Benton City, in said county," which was read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Nay—Mr. Barnes.

Title agreed to.

Mr. Stewart reported back H. B. No. 41, with a substitute for the bill, and recommended that the substitute do pass.

Report received.

On motion, H. B. No. 41, and substitute, were referred to a select committee of three—Messrs. McLaughlin, Stewart, and Stapleton.

The following communication was received from the Governor, through Mr. O. O. Cullen, his Private Secretary:

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 13, 1869. }

To the House of Representatives:

I have to inform your honorable body, that I have approved House Bill No. 38, "An Act concerning boats."

Very respectfully,

JAMES TUFTS,

Acting Governor.

Mr. Stewart, chairman of the Select Committee, reported back to the House H. B. No. 76, recommending that the same be indefinitely postponed.

Report received, and, on motion of Mr. Donegan, the bill was indefinitely postponed.

The following communication was received from the Hon. J. P. Bruce:

VIRGINIA CITY, January 13, 1869.

Hon. A. E. MAYHEW,

Speaker House of Representatives:

SIR—I have this day received from R. E. Arick, Chief Clerk, a copy of a resolution asking the cost of publishing the laws of the present session in the "Tri-Weekly Democrat," and "Gazette."

I can only answer for my own paper, but I feel satisfied from my knowledge of the public spirit of the proprietors of the "Gazette," that they will do work on the same terms that I would.

Knowing that the people have a decided preference for the publication of the laws in the manner you propose, because of their more general circulation thereby, I am therefore inclined to publish these laws for very little profit.

I will do the work at the rate of twenty dollars per column, payable in territorial warrants, at the completion of publication.

I will devote one entire page of each issue to the publication of the laws, in order to get them out early.

This is less than one-half regular rates.

Yours respectfully, JNO. P. BRUCE.

Mr. Ellis was called to the chair.

Mr. Comly reported H. B. No. 64 correctly engrossed.

Report received.

On motion of Mr. Comly, H. B. No. 64, "An Act to amend an act establishing a common school system for the Territory of Montana," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—21.

Absent—Messrs. Brison, Hicks, and Lowry.

Title agreed to.

Mr. Hicks reported as follows :

MR. SPEAKER—Your Committee to whom was referred C. B. No. 27, ask leave to report :

We find that the treasurer of Deer Lodge county, in conducting the lawsuit brought against him to compel the payment of warrants, has actually expended the amount asked for in the bill ; and as it settles a question in which every county in the Territory is interested, your Committee deem it no more than just, that said appropriation be made. They therefore recommend that the bill pass.

J. H. HICKS, *Chairman Select Committee.*

Report received.

On motion of Mr. Stewart, C. B. No. 27, "An Act for the relief of Addison Smith," was then read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Comly, Ellis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Stewart, Strickland, Sweeney, Wentworth, and Wilson—15.

Nays—Messrs. Barnes, Brison, Cooper, Donegan, Estis, Rhodes, and Stapleton—7.

Absent—Mr. Shafer, and Mr. Speaker.

Title agreed to.

Mr. Hicks moved to reconsider the vote by which C. B. No. 27 was passed.

On motion of Mr. Stewart, the motion of Mr. Hicks was laid on the table.

Mr. Stewart reported H. B. No. 79 back to the House, recommending the following amendment :

That section 1 be amended in the first line between the words "the" and "acts," by inserting the word "general."

On motion of Mr. Stewart, the amendment was adopted, and the bill adopted as amended.

Mr. Lowry moved to suspend the rules, consider the bill engrossed, and place it on its final passage.

Motion lost.

The bill was then ordered engrossed.

H. C. R. was reported correctly enrolled.

Mr. Strickland moved to adjourn.

Motion lost.

Mr. Mayhew moved that the House go into Committee of the Whole, to consider general orders.

Motion lost.

Mr. Mayhew moved to take a recess until 7 P. M. Lost.

Mr. Comly reported H. B. No. 79 correctly engrossed.

Report received.

Mr. Comly moved to read H. B. No. 79 third time, and place it on its final passage.

A call of the House was ordered.

Roll called—absent, Messrs. Brison, Findlay, and Mayhew.

Mr. Lowry moved a further call be dispensed with.

On motion of Mr. Alexander, the motion of Mr. Lowry was laid on the table.

On motion of Mr. Alexander, the vote by which Mr. Lowry's motion was laid on the table, was reconsidered, and a further call was dispensed with.

On motion of Mr. Strickland, the House adjourned until tomorrow, at 10 A. M.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

THIRTY-NINTH DAY.

JANUARY 14, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—members all present.

The reading of the minutes of yesterday was deferred until 2 P. M.

Mr. Alexander reported House Bills Nos. 34, 42, 49, 54, 55, 57, 65, 68, 74, 75, 78, and House Joint Memorial No. 7, and H. J. R. No. 5, correctly enrolled.

Report received.

Also, that H. C. R. No. 3, was handed the Governor for his approval, at 3½ P. M. on yesterday.

Mr. Ellis, chairman of Select Committee, reported C. J. R. No. 4 back to the House, with a recommendation that the same do pass.

Report received.

Mr. Ellis introduced H. J. R. No. 6, "Appropriating funds for the construction of an arsenal, and for other purposes," which was read first and second time, and referred to a Select Committee of three—Messrs. Stewart, Ellis, and Stapleton.

By leave, Mr. Sweeney introduced H. J. M. No. 8, "For the relief of the Historical Society."

Read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—21.

Absent—Messrs. Kerly, Barnes, and Lowry.

Title agreed to.

C. J. R. No. 4, "For the relief of certain persons," under suspension of the rules, was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Higley, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wilson, and Mr. Speaker—21.

Nays—Messrs. Hicks and Wentworth—2.

Absent—Mr. Kerly.

Title agreed to.

The following communication was received from the Council:

That H. B. No. 81, "An Act authorizing the county commissioners of Choteau county to establish a system of wharfage at Benton City, in said county."

Also, C. B. No. 42, "An Act to amend an act defining the Council and Representative districts of the Territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved December 13, 1867,"

Also, C. B. No. 43, "An Act to dissolve the bonds of matrimony between James Boyd and Mary A. Boyd,"

Also, H. B. No. 67, "An Act to amend an act creating the office of district attorney in each of the organized judicial districts of Montana Territory,"

Have passed the Council.

Also, that the Council refuses to recede from its amendments to H. B. No. 63, "An Act to amend an act concerning fugitives from justice," and insists upon the House concurring therein.

Also, that H. C. R., "In relation to the publication of the laws," has been indefinitely postponed.

Also, that the Council has concurred in House amendments to C. B. No. 40, "An Act to repeal section 20 of an act concerning the foreclosure of mortgages."

C. C. MENAUGH, *Chief Clerk.*

By leave, Mr. Stewart introduced H. J. R. No. 7, "To distribute arms and ammunition."

Read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—22.

Absent—Messrs. Alexander and Sweeney.

Title agreed to.

Mr. McLaughlin reported H. B. No. 41, and substitute, back to the House, with a substitute for substitute for said bill, for the consideration of the House.

Report received.

On motion of Mr. Donegan, the substitute for original bill was indefinitely postponed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Higley, Lowry, McLaughlin, Powers, Shafer, Stapleton, Sweeney, Wilson, and Mr. Speaker—18.

Nays—Messrs. Hicks, Rhodes, Stewart, Strickland, and Wentworth—5.

Absent—Mr. Kerly.

On motion of Mr. Stewart, the substitute for the substitute was adopted.

Mr. McLaughlin reported C. C. R. No. 8, "For the relief of John A. Carr," back to the House, recommending its passage.

On motion of Mr. Alexander, C. C. R. No. 8 was read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Donegan, Ellis, Estis, Higley, Powers, Rhodes, Stapleton, and Stewart—12.

Nays—Messrs. Cooper, Hicks, McLaughlin, Shafer, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—9.

Absent—Messrs. Findlay, Kerly, and Lowry.

Title agreed to.

Mr. Donegan gave notice that he would, at 10 A. M. to-morrow, move to reconsider the vote by which C. C. R. No. 8 passed the House.

Mr. Comly moved to reconsider now.

On motion of Mr. McLaughlin, the motion of Mr. Comly was laid on the table by the following vote :

Ayes—Messrs. Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Lowry, McLaughlin, Powers, Rhodes, Stapleton, Stewart, and Sweeney—15.

Nays—Messrs. Findlay, Higley, Shafer, Strickland, Wentworth, Wilson, and Mr. Speaker—8.

Absent—Mr. Kerly.

Mr. Comly moved that the vote by which H. B. No. 79 passed to a third reading, be reconsidered.

Mr. McLaughlin moved to lay the motion on the table, which was lost by the following vote :

Ayes—Messrs. Alexander, Ellis, Estis, McLaughlin, and Strickland—5.

Nays—Messrs. Barnes, Brison, Comly, Cooper, Donegan, Hicks, Higley, Kerly, Lowry, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Wentworth, Wilson, and Mr. Speaker—18.

Absent—Mr. Findlay.

Mr. Comly's motion then prevailed.

Mr. Comly offered a substitute for the bill, which was adopted.

Mr. Stewart offered the following amendment: Insert "Deer Lodge Independent."

Adopted.

Mr. McLaughlin moved to insert "Helena Herald."

Motion lost.

Mr. Ellis moved to insert "Helena Post," and "Salt Lake Deseret News."

Motion lost.

The bill was then adopted as amended.

Mr. McLaughlin moved to strike out "\$800" and insert "\$400." Lost.

Mr. Lowry moved to strike out "\$800" and insert "\$600," which was adopted.

Mr. McLaughlin offered the following amendment :

Amend section 1, line 1, by inserting after the word "acts," "or so many of them as may be selected by the Secretary of the Territory." Lost.

Mr. Strickland offered the following amendment, which was lost: Insert "Montana Post," in section 2.

Mr. Stewart, moved to adopt the bill as amended.

Motion lost.

Mr. McLaughlin moved to make the bill the special order for 3 P. M., which was lost by the following vote :

Ayes—Messrs. Alexander, Ellis, Estis, Findlay, Hicks, McLaughlin, Stapleton, Strickland, Wentworth, and Wilson—10.

Nays—Messrs. Barnes, Brison, Comly, Cooper, Donegan, Higley, Kerly, Lowry, Rhodes, Shafer, Stewart, Sweeney, and Mr. Speaker—13.

Absent—Mr. Powers.

Mr. Comly moved to adopt the bill as amended.

Mr. Strickland moved to lay the motion on the table. Lost.

A call of the House was ordered. Absent, Mr. Powers.

On motion of Mr. Strickland, a further call of the House was dispensed with.

The bill was then adopted as amended by the following vote :

Ayes — Messrs. Barnes, Comly, Cooper, Donegan, Findlay, Hicks, Higley, Kerly, Lowry, Rhodes, Stewart, Sweeney, and Mr. Speaker—13.

Nays—Messrs. Alexander, Brison, Ellis, Estis, McLaughlin, Shafer, Stapleton, Strickland, Wentworth, and Wilson—10.

The bill was then ordered engrossed.

On motion of Mr. Strickland, the House took a recess until
2 P. M.

House resumed. Mr. Speaker in the chair.

The reading of the minutes of yesterday was deferred until to-morrow morning.

Mr. Donegan offered the following resolution :

Resolved, That a committee of three be appointed to examine and report on the condition of the arms now in the territorial armory at Virginia City.

Adopted.

Mr. Speaker appointed Messrs. Donegan, Sweeney, and Wilson, such committee.

By leave, Mr. Sweeney introduced H. B. No. 82, "An Act to change the name of Big Horn county to that of Vaughn county."

Read first and second time, when Mr. Strickland moved the bill be indefinitely postponed.

Motion lost by the following vote :

Ayes—Messrs. Brison, Hicks, McLaughlin, Shafer, Strickland, and Wentworth—6.

Nays—Messrs. Alexander, Barnes, Comly, Cooper, Ellis, Higley, Kerly, Lowry, Powers, Rhodes, Stapleton, Stewart, and Sweeney—13.

Absent—Messrs. Donegan, Estis, Findlay, Wilson, and Mr. Speaker—5.

On motion of Mr. Comly, the rules were suspended, bill read third time, by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Stapleton, Stewart, and Sweeney—16.

Nays—Messrs. Brison, Shafer, Strickland, Wentworth, and Wilson—5.

Absent—Messrs. Estis, Findlay, and Mr. Speaker.

Title agreed to.

Mr. Comly reported H. B. No. 79 correctly engrossed.

Report received.

Mr. Comly moved the bill to be read third time.

A call of the House was ordered.

Roll called—absent, Messrs. Donegan, Estis, Findlay, Shafer, Sweeney, Wilson, and Mr. Speaker.

On motion of Mr. Wentworth, a further call of the House was dispensed with.

The following communication was received from the Council :

That H. B. No. 12, "An Act for the relief of Wm. Berkins,"

Also, Council substitute for H. B. No. 28, "An Act in relation to costs,"

Also, C. B. No. 36, "An Act to dissolve the bonds of matrimony between Paul Schwartz and Catharine Schwartz,"

Also, C. B. No. 29, "An Act to dissolve the bonds of matrimony between William Hamilton and Ann Hamilton,"

Also, C. B. No. 30, "An Act to dissolve the bonds of matrimony between John Richards, Jr., and Louisa Richards,"

Have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

H. B. No. 79, "An act to provide for the publication of the laws passed by the Fifth Legislative Assembly," was read third time, and passed by the following vote :

Ayes—Messrs. Barnes, Comly, Cooper, Donegan, Hicks, Higley, Kerly, Lowry, Powers, Rhodes, Stewart, and Mr. Speaker—12.

Nays—Messrs. Alexander, Ellis, Estis, McLaughlin, Shafer, Stapleton, Strickland, and Wentworth—8.

Absent—Messrs. Brison, Findlay, Sweeney, and Wilson.

Title agreed to.

By leave, Mr. Lowry introduced H. B. No. 83, "An Act establishing the county of Dawson, defining the boundary, and locating the county seat thereof."

Read first and second time, rules suspended, read third time, by title, and passed by the following vote :

Ayes—Messrs. Alexander, Brison, Comly, Cooper, Ellis, Estis, Hicks, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Wentworth, and Mr. Speaker—18.

Nays—None.

Absent—Messrs. Barnes, Donegan, Findlay, Higley, Sweeney, and Wilson.

Title agreed to.

Mr. Stewart reported back H. J. R. No. 6, "To build an arsenal at Helena," with a recommendation that the same do pass.

Report received, adopted, and Committee discharged.

Mr. Comly moved the resolution be read third time.

A call of the House was ordered.

Roll called. Absent—Messrs. Brison, Donegan, Findlay, Higley, Lowry, Sweeney, and Wilson.

Mr. McLaughlin moved the further call of the House be dispensed with.

Motion lost.

On motion of Mr. Mayhew, a further call of the House was dispensed with.

Mr. Comly's motion then prevailed, the resolution was read third time, and lost by the following vote :

Ayes—Messrs. Alexander, Comly, Cooper, Ellis, Higley, Lowry, Powers, Rhodes, and Stewart—9.

Nays—Messrs. Barnes, Brison, Estis, Hicks, Kerly, McLaughlin, Shafer, Stapleton, Strickland, Wentworth, and Mr. Speaker—11.

Absent—Messrs. Donegan, Findlay, Sweeney, and Wilson.

C. B. No. 29, "An Act to dissolve the bonds of matrimony between Wm. Hamilton and Ann Hamilton," was read first and second time, when Mr. Strickland moved the bill be indefinitely postponed.

Motion lost.

On motion of Mr. Stewart, the bill was referred to a Select Committee—Messrs. Stewart, Powers, and McLaughlin.

C. B. No. 30, "An Act to dissolve the bonds of matrimony between John Richards, Jr., and Louisa Richards," was read first and second time, and, on motion of Mr. Strickland, the bill was indefinitely postponed.

C. B. No. 36, "An Act to dissolve the bonds of matrimony between Peter Schwartz and Catharine Schwartz," was read first and second time, and, on motion of Mr. Strickland, was indefinitely postponed.

C. B. No. 43, "An Act to dissolve the bonds of matrimony between James Boyd and Mary A. Boyd," was read first and second time, and referred to a Select Committee—Messrs. Mayhew, Comly, and Wilson.

The following communication was received from the Council:

That C. B. No. 44, "An Act to amend an act regulating the fees of officers,"

Also, C. B. No. 45, "An Act explanatory of an act to amend an act relative to the pre-emption of town sites upon the public lands, and the disposal of the trusts created thereby,"

Also, C. B. No. 37, "An Act to dissolve the bonds of matrimony between Robert K. Findlay and Elizabeth Findlay,"

Have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

The following communication was received from the Governor, through O. O. Cullen, Esq., his Private Secretary :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 13, 1869. }

To the House of Representatives :

I have to inform your honorable body that I have approved House Concurrent Resolution No. 3, "Appropriating out of the treasury five hundred and fifty-five 50-100 dollars to Thomas B. Wade.

JAMES TUFTS,
Acting Governor.

C. B. No. 37, "An Act to dissolve the bonds of matrimony between R. K. Findlay and Elizabeth Findlay," was read first and second time, and referred to a Select Committee of three—Messrs. Stewart, Stapleton, and Wentworth.

H. B. No. 81 was ordered enrolled.

Mr. Stewart, chairman Joint Committee of Conference, reported :

MR. SPEAKER—Your Joint Committee of Conference, to whom was referred H. B. No. 12, "An Act to increase the compensation of the officers of this Territory," have conferred, and agreed to refer the bill back, with a recommendation that the amendments made by the Council be receded from, and that the same be agreed upon by the two Houses, without the amendments.

W. STEWART, *Chairman.*

Report received, and adopted by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Shafer, Stapleton, Stewart, Strickland, and Mr. Speaker—17.

Nays—Messrs. Comly, Cooper, Donegan, Rhodes, Sweeney, Wentworth, and Wilson—7.

The following communication was received from the Council :

That H. B. No. 72, "An Act to authorize the citizens of Jefferson county to change the county seat of said county," has passed the Council.

C. C. MENAUGH, *Chief Clerk.*

C. B. No. 44, "An Act to amend an act regulating the fees of officers, jurors and witnesses," was read first and second time.

The Chief Clerk was instructed to return the bill to the Council, and ask that they insert the enacting clause in said bill.

C. B. No. 45, "An Act explanatory of an act to amend an act relative to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby," was read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Absent—Mr. Barnes.

Title agreed to.

Mr. Donegan, chairman of the Select Committee on Arms and Ammunition, reported as follows :

Your Committee beg leave to report that they have had under consideration the subject of "Arsenal and Arms," at Virginia City. Your Committee find that the building is a very fair one for the storing and care of ordnance stores. That there is now in original cases about 1,600 stand of arms, and about one hundred stand scattered about the floor. There is, also, a large quantity of harness, saddles and accoutrements; also, a large amount of ammunition. In relation to the arms in original cases, your Committee opened one or two of the boxes, and find that they are rusting, and if not attended to, will soon become worthless.

Of those scattered about the floor, your Committee would state that they are in very bad condition.

Of the harness, saddles and accoutrements, many of them are boxed up, and your Committee did not examine them. In regard to the ammunition, it seems to be in very fair condition, but without care may soon become worthless. There are also some brass howitzers, and although we find that the Governor has had them cleaned at his own expense, they are now in bad condition, and need cleaning again. It is the opinion of your Committee that an ordnance officer should be appointed, and although there will not

be much labor to perform after the said ordnance is once put in good condition, yet it seems necessary that it should be the business of some person to look after the government property, and keep the building well ventilated.

Your Committee are also informed that the Acting Governor has no inventory of this property, and it seems to your Committee very necessary that a return of this valuable property should be made. Your Committee would recommend that a small appropriation be made to pay for care and keeping of this property.

J. DONEGAN, *Chairman.*

By leave, Mr. Donegan introduced H. J. R. No. 8, "To authorize the appointment of an ordnance officer."

Read first and second time, when Mr. Comly moved to refer to a Select Committee of three. Lost.

Mr. Powers offered the following amendment: Amend, by inserting after the words "Virginia City," the word "Helena," and where the word "person" occurs, insert "persons." Strike the words "forty dollars" out, and insert "thirty dollars."

On motion of Mr. Comly, the amendment, with the bill, was referred to the Committee on Ways and Means.

Mr. Lowry gave notice that he would, on to-morrow, introduce "An Act to repeal an act to amend an act regulating the fees of officers, jurors and witnesses."

On motion of Mr. Strickland, the House took a recess until 7 P. M.

House resumed. Mr. Speaker in the chair.

Mr. Stewart reported C. B. No. 37, with a recommendation that the same do pass.

Report received.

Mr. Alexander reported House Bills Nos. 34, 42, 49, 54, 55, 57, 65, 68, 74, 75, 78, H. J. M. No. 7, and H. J. R. No. 5, handed the Governor for his approval at 11 A. M. to-day.

Report received.

The Committee on Ways and Means report back H. J. R. No. 8, with a substitute, and recommend the passage of the substitute.

Report received and adopted.

H. J. R. No. 8, "Authorizing the appointment of ordnance officers," was then read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Donegan, Ellis, Findlay, Hicks, Higley, Kerly, Lowry, Powers, Rhodes, Shafer, Stapleton, Stewart, Sweeney, Wilson, and Mr. Speaker—19.

Nays—Messrs. Brison, McLaughlin, Strickland, and Wentworth—4.

Absent—Mr. Estis.

Title agreed to.

Mr. Comly moved that C. B. No. 37, "An Act to dissolve the bonds of matrimony between R. K. Findlay and Elizabeth Findlay," be read third time, and put upon its final passage.

Mr. Donegan moved to lay the motion on the table.

Motion lost.

Mr. Comly's motion then prevailed. The bill was read third time, when a call of the House was ordered.

Roll called. Absent—Messrs. Estis, Higley, and Lowry.

Mr. Alexander was called to the chair.

Mr. Mayhew moved a further call be dispensed with.

Motion lost.

On motion of Mr. McLaughlin, the further call was dispensed with.

The vote was then taken on the passage of the bill, which was lost by the following vote :

Ayes—Messrs. Barnes, Comly, Cooper, Higley, Lowry, Rhodes, Stapleton, Stewart, Sweeney, and Mr. Speaker—10.

Nays—Messrs. Alexander, Brison, Donegan, Ellis, Hicks, Kerly, McLaughlin, Powers, Shafer, Strickland, Wentworth, and Wilson—12.

Absent—Mr. Estis.

Excused—Mr. Findlay.

The following communication was received from the Governor, through O. O. Cullen, Esq., his Private Secretary :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 14, 1869. }

To the House of Representatives :

I have to inform your honorable body that I have approved H. B. No. 49, "An Act to authorize the Territorial Auditor to issue a duplicate warrant in lieu of Warrant 3, of 248, to E. W. Haskell." Also, H. B. No. 54, "An Act to amend an act entitled an act concerning crimes and punishments." Also, H. B. No. 65, "An Act to amend an act entitled an act to prevent the collection of illegal tolls." Also, H. B. No. 68, "An Act to amend an act entitled an act defining the duties of county treasurer, and the payment of county warrants." Also, H. B. No. 78, "An Act authorizing the levying of a special tax in Deer Lodge county." Also, H. J. R. No. 5, "For the relief of W. Y. Lovell."

JAMES TUFTS,
Acting Governor.

The following communication was received from the Council :

That H. B. No. 77, "An Act to declare the road leading from Gallaher's Ferry to Helena, a public highway," has been indefinitely postponed.

Also, that the Council has receded from its amendments to H. B. No. 16, and has adopted the Conference Committee's report thereon, and passed the bill.

Also, that the enacting clause has been inserted in C. B. No.

Also, that H. B. No. 64, "An Act establishing a common school system in Montana Territory," has passed the Council, with amendments.

C. C. MENAUGH, *Chief Clerk.*

C. B. No. 42, "An Act to amend an act defining the Council and Representative Districts, and apportioning the members of the Legislative Assembly, approved December 13, 1867," was read first and second time, rules suspended, read third time by title, and passed by the following vote :

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Ellis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—22.

Nay—Mr. Donegan.

Absent—Mr. Estis.

Title agreed to.

The Council amendments to H. B. No. 64, were concurred in by the House, and the bill ordered enrolled.

C. B. No. 44, "An Act to amend an act regulating the fees of officers, jurors and witnesses," was read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Cooper, Donegan, Ellis, Hicks, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—20.

Nays—Messrs. Comly and Lowry—2.

Absent—Messrs. Estis and Findlay.

Title agreed to.

Council substitute for H. B. No. 28 was agreed to, and ordered enrolled.

H. B. No. 12, and H. B. No. 16, were ordered enrolled.

On motion of Mr. Ellis, the House concurred in Council amendments to H. B. No. 63, and bill ordered enrolled.

On motion of Mr. Stapleton, the House adjourned until 10 A. M. to-morrow.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

FORTIETH DAY.

JANUARY 15, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Members all present.

Minutes of Wednesday and Thursday read and approved.

The following communication was received from the Council :

That C. J. R. No. 11, "For the relief of R. E. Haslep,"

Also, C. J. R. No. 10, "For the relief of Samuel B. Green,"

Also, H. J. R., "To build an arsenal at Helena,"

Also, H. J. R. No. 7, "Distributing arms and ammunition,"

Also, H. J. M. No. 8, "Asking an appropriation for the benefit of the Montana Historical Society,"

Have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

Mr. Ellis was called to the chair.

The following communication was received from the Governor :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 15, 1869. }

To the House of Representatives:

I have to inform your honorable body that I have approved H. B. No. 72, "An Act to authorize the citizens of Jefferson county to change the county seat of said county."

Also, H. B. No. 16, "An Act to amend an act providing increased compensation of the officers of this Territory, approved December 6, 1867."

JAMES TUFTS,
Acting Governor.

Mr. Stewart offered the following resolution :

Resolved, By the House, the Council concurring, That the House and Council adjourn this day, at 4 o'clock P. M., *sine die*.

Adopted.

By leave, Mr. Comly introduced H. J. R. No. 9, "For the relief of legislative clerks."

Read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Hicks, Higley, Kerly, Lowry, McLaughlin, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—23.

Absent—Mr. Powers.

Title agreed to.

Mr. Stewart offered the following resolution :

Whereas, we, the undersigned, Joint Committee on the part of the House, after a careful and thorough examination of the books and accounts of the Territorial Treasurer and Auditor, find them correct, systematically kept, and in all respects in accordance with law; therefore be it

Resolved, That the thanks of this House be and the same are hereby tendered to Major Barkley, Treasurer, and Captain Rodgers, Auditor, for the faithful and impartial manner in which they have discharged their duties and trusts to the people of the Territory of Montana.

W. STEWART.

J. McLAUGHLIN.

Adopted.

On motion of Mr. Comly, the rules were suspended, and Mr. Stapleton was granted leave to introduce H. B. No. 84, "An Act concerning extra compensation to the Governor of Montana Territory."

Read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Brison, Comly, Cooper, Donegan, Ellis, Estis, Hicks, Higley, Lowry, McLaughlin, Rhodes, Stapleton, Stewart, Strickland, Sweeney, and Mr. Speaker—17.

Nays—Messrs. Barnes, Findlay, Kerly, Shafer, Wentworth, and Wilson—6.

Absent—Mr. Powers.

Title agreed to.

On motion of Mr. Ellis, the following resolution was adopted :

Resolved, That we, the members of the House composing the Fifth Legislative Assembly of the Territory of Montana, hereby return our sincere thanks to His Excellency James Tufts, Acting Governor of our Territory, for the able, prompt and impartial manner in which he has discharged the delicate and responsible duties incumbent upon him during our present session, particularly for the kind and urbane manner which he has in all matters shown to us as individuals and representatives of the people. That in our retirement to private life, we will continue to cherish that high appreciation of his character as a gentleman and Executive that he so greatly deserves.

Mr. Alexander reported House Bills Nos. 12, 16, 28, 63, 64, 67, 72, 82, and H. J. M. No. 6, correctly enrolled.

Report received.

On motion of Mr. Ellis, the following resolution was adopted :

Resolved, That the thanks of this body are eminently due, and are hereby tendered to the Hon. A. E. Mayhew, for the distinguished ability and impartial manner with which he has discharged the laborious duties of Speaker of the House.

On motion of Mr. McLaughlin, the following resolution was adopted :

Resolved, By the House, That a vote of thanks is hereby tendered to the Chief Clerk of this House, Assistant Clerks, and the other attachees of this House, for the manner in which they have discharged their duties, and the respect they have shown the members of this House.

The following communication was received from the Governor :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 15, 1869. }

To the House of Representatives :

I have to inform your honorable body, that I have approved H. B. No. 74, "An Act requiring the county commissioners of Deer Lodge county to pay D. P. Newcomer for labor performed and money expended for the benefit of said county."

JAMES TUFTS,
Acting Governor.

The following communication was received from the Council :

That H. B. No. 82, "An Act to change the name of Big Horn county to Vaughn county," has been rejected by the Council.

C. C. MENAUGH, *Chief Clerk.*

C. J. R. No. 10, "For the relief of S. B. Green," was read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Kerly, Lowry, McLaughlin, Rhodes, Stapleton, Stewart, Strickland, Wentworth, Wilson, and Mr. Speaker—18.

Absent—Messrs. Alexander, Hicks, Higley, Powers, Shafer, and Sweeney.

Title agreed to.

Mr. Comly called up C. J. R. No. 9, "Making appropriation for certain purposes," which was read first and second time, rules suspended, read third time, and passed by the following vote :

Ayes—Messrs. Alexander, Brison, Comly, Cooper, Donegan, Ellis, Estis, Higley, Kerly, McLaughlin, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—19.

Nay—Mr. Barnes.

Absent—Messrs. Findlay, Hicks, Lowry, and Powers.

Title agreed to.

Mr. Alexander reported House Bills Nos. 12, 16, 28, 63, 64, 67, 72, 82, and H. J. M. No. 6, handed the Governor for his approval at 11½ A. M. to-day.

Report received.

The following communication was received from the Council :

That H. B. No. 83, "An Act establishing the county of Dawson," has passed the Council, with amendments.

Also, that H. C. R. to adjourn *sine die*, has passed the Council.

C. C. MENAUGH, *Chief Clerk*.

C. J. R. No. 11, "For the relief of R. E. Haslep," was read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Barnes, Brison, Comly, Donegan, Estis, Findlay, Higley, Lowry, Shafer, Stapleton, Stewart, Wilson, and Mr. Speaker—13.

Nays—Messrs. Alexander, Cooper, Hicks, Kerly, McLaughlin, Rhodes, Strickland, Sweeney, and Wentworth—9.

Absent—Messrs. Ellis and Powers.

Title agreed to.

H. J. R. No. 10, "For the relief of John S. Rockfellow," was read first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Lowry, the amendments of the Council to H. B. No. 83 were concurred in, and bill ordered enrolled.

The following communication was received from the Governor :

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 15, 1869. }

To the House of Representatives:

I have to inform your honorable body, that I have approved H. B. No. 12, "An Act to provide for the compensation of William Berkins, for services rendered the Territory of Montana."

Also, H. B. No. 81, "An Act authorizing the county commissioners of Choteau county to establish a system of wharfage at Benton City, in said county."

Also, H. J. M. No. 6, "Asking for an amendment to the organic act of the Territory of Montana."

Also, H. B. No. 67, "An Act to amend an act creating the office of district attorney in each of the organized judicial districts of Montana Territory, approved January 10, 1865."

Also, H. B. No. 16, "An Act to amend an act providing increased compensation of the officers of the Territory of Montana, approved December 6, 1867."

Also, H. J. R. No. 8, "To build an arsenal at Helena."

JAMES TUFTS,
Acting Governor.

Mr. Alexander reported H. J. R. No. 7, and H. J. R. No. 8, correctly enrolled.

Mr. McLaughlin reported as follows:

MR. SPEAKER—Your Committee, required to examine the books of the Territorial Auditor and Treasurer, beg leave to report, that we have performed that duty as thoroughly as was possible, in the time given us.

Commencing our examination after the report made by Messrs. A. Leech and W. M. Stafford, we beg leave to make report, with accompanying documents.

JNO. McLAUGHLIN, *Chairman Select Committee.*

On motion of Mr. Strickland, the further reading of the report was dispensed with.

On motion of Mr. Ellis, the House took a recess until 2 P. M.

House resumed. Mr. Speaker in the chair.

H. J. R. No. 11, "To provide for the correction of the laws," was read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Estis, Findlay, Higley, Kerly, McLaughlin, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, Wilson, and Mr. Speaker—22.

Absent—Messrs. Hicks and Lowry.

Title agreed to.

Mr. Alexander reported House Bills Nos. 80 and 83, H. C. R. No. 9, and H. J. M. No. 8, correctly enrolled.

Report received.

Also, that H. J. M. No. 7, and H. J. M. No. 8, were handed to the Governor for his approval at 11.45 A. M. to-day.

Report received.

The following communication was received from the Council:

That H. B. No. 79 has been indefinitely postponed.

Also, that C. J. R. No. 12, and C. B. No. 46, have passed the Council.

C. C. MENAUGH, *Chief Clerk.*

C. B. No. 46, "An Act to provide a contingent fund for the payment of the judges of the district courts of the Territory of Montana," was read first and second time, when Mr. McLaughlin moved to refer to the Committee on Ways and Means.

Mr. Alexander moved to suspend the rules, read the bill third time, and place it on its final passage.

Mr. McLaughlin moved to lay the motion on the table.

Motion lost.

Motion to suspend the rules was lost, and the bill was referred to the Committee on Ways and Means.

Mr. Alexander reported H. B. Nos. 80 and 83, H. J. M. No. 8, and H. C. R. No. 9, handed the Governor for his approval, at 2½ this P. M.

Report received.

C. J. R. No. 12, "In relation to Territorial Auditor," was read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Donegan, Ellis, Findlay, Higley, Powers, Rhodes, Shafer, Stapleton, Stewart, Strickland, Sweeney, Wentworth, and Mr. Speaker—18.

Nays—Messrs. Estis and Wilson—2.

Title agreed to.

On motion of Mr. Ellis, the following resolution was adopted:

Resolved, By the House, the Council concurring, That a joint committee of two from each House be appointed to wait on His Excellency the Acting Governor, and ascertain if it is his pleasure to make any further communications to the Legislature prior to its adjournment.

Messrs. Ellis and Stapleton were appointed such committee.

A call of the House was ordered.

Roll called. Absent—Messrs. Comly, Hicks, McLaughlin, Sweeney, and Shafer.

A further call was dispensed with.

Mr. Lowry introduced H. B. No. 85, "An Act to repeal an act to amend an act regulating the fees of officers and witnesses, approved February 9, 1865."

Read first and second time.

Mr. Strickland moved to indefinitely postpone, which was carried by the following vote:

Ayes—Messrs. Alexander, Barnes, Comly, Cooper, Estis, Findlay, Powers, Rhodes, Shafer, Stapleton, Strickland, Sweeney, Wentworth, and Wilson—14.

Nays—Messrs. Brison, Donegan, Ellis, Higley, Kerly, Lowry, McLaughlin, Stewart, and Mr. Speaker—9.

Absent—Mr. Hicks.

The following messages were received from the Governor:

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 15, 1869. }

To the House of Representatives:

I have to inform your honorable body, that I have approved H. B. No. 83, "An Act establishing the county of Dawson, defining the boundaries, and locating the county seat thereof."

Also, H. J. M. No. 8, "Asking for an appropriation for the relief of the Montana Historical Society."

Also, H. B. No. 80, "An Act to amend an act entitled an act to regulate proceedings in civil cases, in the courts of justice of Montana Territory."

JAMES TUFTS,
Acting Governor.

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 15, 1869. }

To the House of Representatives:

I have to inform your honorable body, that I have approved H. B. No. 28, "An Act in relation to costs."

Also, H. C. R. No. 9, "That the House and Council adjourn this day, at 4 o'clock P. M., *sine die*."

JAMES TUFTS,
Acting Governor.

On motion of Mr. Stewart, the following resolution was adopted:

Resolved, That the thanks of the members of this body be and they are hereby tendered to the Hon. Thomas B. Wade, for the faithful and impartial manner in which he has reported our proceedings at this session, and gentlemanly and courteous conduct towards the members and attachees thereof. Long may he wave!

C. B. No. 47, "An Act defining the duties of Territorial Superintendent of Public Instruction," was read first and second time, rules suspended, read third time, and passed by the following vote:

Ayes—Messrs. Alexander, Barnes, Brison, Comly, Cooper, Ellis, Estis, Findlay, Higley, Kerly, Lowry, McLaughlin, Powers, Rhodes, Stapleton, Stewart, Sweeney, Wilson, and Mr. Speaker—19.

Nays—Messrs. Donegan, Shafer, Strickland, and Wentworth—4.

Absent—Mr. Hicks.

Title agreed to.

On motion of Mr. Stapleton, the Council substitute for H. B. No. 84 was adopted, and bill ordered enrolled.

C. J. R. No. 13 was read first and second time, rules suspended, read third time, and passed.

The House concurred in Council amendments to H. J. R. No. 9, "For the relief of legislative clerks."

Mr. Alexander reported H. B. No. 84, and H. J. R. No. 11, correctly enrolled.

On motion of Mr. Strickland, H. B. No. 51 was indefinitely postponed.

On motion of Mr. Stewart, the Hon. Thomas B. Wade was requested to address the members of this House.

Mr. Wade was introduced to the House, and addressed it.

Mr. Alexander reported H. J. R. No. 9 correctly enrolled.

On motion of Mr. Stewart, a committee of one was appointed, to wait on Hon. E. W. Toole, and request him to address this body.

Mr. Stewart conducted Mr. Toole to the Speaker's stand, and introduced him to the House.

Mr. Toole responded to the compliment.

On motion of Mr. McLaughlin, Col. Thoroughman addressed the House.

The following message was received from the Governor:

EXECUTIVE OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, January 13, 1869. }

To the House of Representatives:

I have to inform your honorable body, that I have approved House Joint Resolution No. 9, and House Joint Resolution, No. 11.

JAMES TUFTS,
Acting Governor.

The hour of four o'clock having arrived, the Speaker declared the House adjourned *sine die*.

A. E. MAYHEW,
Speaker.

R. E. ARICK,
Chief Clerk.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T., }
January 15, 1869. }

We hereby certify, the foregoing pages, from 327 to 539 inclusive, contain a true and complete Journal of the Proceedings of the House of Representatives of the Fifth Legislative Assembly of the Territory of Montana.

A. E. MAYHEW,
Speaker of House of Representatives,
5th Legislative Assembly, M. T.

R. E. ARICK,
Chief Clerk.

APPENDIX.

ANNUAL REPORT OF THE AUDITOR OF MONTANA TERRITORY.

AUDITOR'S OFFICE, MONTANA TERRITORY, }
VIRGINIA CITY, November 30, 1868. }

*To the Honorable Council and House of Representatives, Montana
Territory:*

GENTLEMEN: I herewith submit the following as my Annual Report:

On entering upon the duties of Auditor, on the 13th day of December, 1867, I found the indebtedness of the Territory to be one hundred and four thousand and thirty-eight dollars and ninety cents, which will appear by exhibit herewith transmitted. Most of this indebtedness accrued prior to the first of November, 1867. The last Legislature, on the 3d day of December, passed what is known as the "Funding Act," intending to provide for the bonding of all indebtedness existing on the first day of November, 1867. This act provided for the funding of sixty thousand dollars, which amount fell below the true indebtedness of the Territory at that time about the sum of eighteen thousand four hundred and one dollars and sixty-one cents (\$18,401.61). Ten thousand six hundred and thirty-six dollars and ten cents of this amount have been received by the Treasurer for taxes; fifty-eight thousand seven hundred and sixty-one dollars and sixty-six cents have been bonded, leaving a balance of this class of indebtedness yet unprovided for, about the sum of six thousand five hundred and fifty-eight dollars and ninety-five cents. I would, therefore, recommend that said "Funding Act" be so amended as to authorize the

Treasurer to issue bonds for an amount sufficient to redeem all of that class of warrants.

By a special act, approved December 21st, 1867, I was authorized to purchase a safe for the Auditor and Treasurer's office, and the sum of five hundred dollars was appropriated for that purpose. The only safe that I could find suitable belonged to John Howe, which I purchased for eight hundred dollars, leaving a balance due thereon of three hundred dollars, for which I ask an additional appropriation.

RESOURCES OF THE TERRITORY.

I have the honor to submit to you exhibit marked "A."

Total amount of assessments for territorial purposes.....	\$33,581.29
Licenses received for the year ending Nov. 30, 1868.....	30,708.48
	<hr/>
	\$64,289.77
Deducting fees paid county treasurers for collecting revenue.....	6,952.87
	<hr/>
Leaving a balance to pay current expenses, and interest on bonds for the year ending Nov. 30, 1868.....	\$57,336.90

I had intended to recommend the repeal of the present assessor's law and the substitution of a new one in its place; but I am now satisfied, from its general failure to meet the expectations of the community, that it will not be necessary for me to make any suggestions in order to cause its repeal. The license and revenue law could be greatly improved by a revision of them.

I have the honor to be, respectfully,

Your obedient servant,

W. H. RODGERS,

Territorial Auditor.

Territorial Indebtedness on the 30th day of November, 1868.

Warrants outstanding on the 1st November, 1867.....	\$75,956.71	
Warrants issued by former Auditor, John H. Ming, from November 1st to December 13th, 1867.....	28,082.19	
Accounts audited and warrants issued since December 13th, 1867, as per exhibit of Warrant account	36,379.26	
		<hr/>
		\$140,418.16

Contra.

By amount of old warrants redeemed, as provided for in Funding Act of Dec. 3d, 1867, and certified up to Territorial Treasurer for bonding	\$58,761.66	
By amount of old warrants for taxes received of Territorial Treasurer.....	10,636.10	
By amount of new warrants received of Treasurer and canceled.....	31,715.80	
		<hr/>
		101,113.56
Present indebtedness, exclusive of the bonds.....		<hr/>
		\$39,304.60

ABSTRACT OF ASSESSMENT RETURNS.

NAME OF COUNTIES.	LAND. Acres in culti- vation.	Valuation.	Valuation of town lots.	Valuation of ditches.	Valuation of flumes.	Valuation of stock companies.	Valuation of musical instru- ments.	No. of wagons and carriages.	Valuation of wa- gons and car- riages.	Horses.	Valuation of.	Mules.	Valuation of.	Cows and Calves.	Valuation of.
Madison	52,997	\$82,161 00	\$247,236	\$5,000	\$6,325	.....	.....	650	\$42,419	1,038	\$56,040	924	\$34,150	3,242	\$86,993
Lewis and Clarke.	22,024	237,185 00	596,287	.....	.....	\$22,250	5,490	511	32,685	994	32,064	421	40,270	2,366	50,988
Deer Lodge	30,425	38,845 00	172,150	.....	.....	.....	.....	36	22,710	1,213	66,817	431	30,288	2,897	132,060
Beaver Head	23,000	29,124 00	49,253	41,994	.....	4,253	869	205	14,110	449	30,083	64	6,759	2,853	72,059
Jefferson	17,600	40,367 50	19,395	.....	.....	.....	.....	190	8,156	387	18,920	133	9,865	2,261	63,445
Gallatin	43,042	100,505 00	.....	.....	.....	.....	.....	373	16,298	469	25,995	175	18,955	2,741	82,004
Meagher	12,500	11,386 00	21,165	.....	.....	.....	.....	135	6,720	279	14,957	72	5,120	526	26,015
Missoula	52,563	81,030 00	20,556	.....	.....	13,375	145	190	10,632	1,106	44,891	121	8,400	2,305	75,400
Choteau .....	.....	.....	.....	.....	.....	.....	.....	156	9,6240	127	4,425	19	761	150	3,800
TOTAL	254,169	\$620,623 50	\$1,126,042	\$46,994	\$6,325	\$39,578	\$8,933	2,801	\$159,570	6,002	\$314,102	1,760	\$154,063	18,801	\$593,394

NAME OF COUNTIES.	Oxen.	Valuation of.	Swine.	Valuation of.	Sheep and Goats.	Valuation of.	Capital in man- ufactures.	Capital in mer- chandise.	Money and credits.	Gold and silver plates and jew- elry.	Valuation of watches.	Household fur- niture.	All other prop- erty of every description.	Total valuation.
Madison	2,136	\$100,014	417	\$3,589	614	\$3,210 50	\$108,000	\$364,327 20	\$596,667 00	\$	\$19,300 00	\$9,307	\$392,000 00	\$2,159,877 70
Lewis and Clarke.	1,939	78,390	667	7,208	10	60 00	81,665	1,042,892 00	249,239 00	.....	15,339 00	9,935	113,965 00	2,653,972 00
Deer Lodge	168	7,210	415	6,248	469	1,463 00	12,425	219,183 00	208,453 00	163	8,868 00	.....	102,416 00	1,028,681 00
Beaver Head	1,043	55,099	84	994	9	41 00	18,540	57,030 00	68,354 00	.....	2,691 00	.....	662 00	433,608 00
Jefferson	1,091	43,519	190	1,721	.....	.....	5,850	22,677 50	10,565 00	.....	1,337 25	.....	11,966 00	237,284 25
Gallatin	2,099	91,125	688	5,608	.....	.....	.....	52,251 00	26,730 00	.....	1,410 00	.....	69,509 00	438,189 00
Meagher	663	31,135	.....	.....	350	2,529 00	.....	52,251 00	47,895 00	.....	2,916 00	.....	135,316 00	357,405 00
Missoula	552	81,947	1,027	10,942	170	882 00	20,777	39,203 00	34,076 00	64	2,916 00	250	13,451 00	407,216 00
Choteau	1,097	35,945	39	390	100	1,500 00	2,000	210,000 00	19,664 88	.....	1,275 00	.....	154,161 12	438,887 00
TOTAL	10,714	\$474,384 3,527	.....	\$36,700	1,152	\$9,685 50	\$219,257	\$2,008,463 70	\$1,261,643 88	\$227	\$52,696 25	\$19,552	\$993,446 12	\$8,177,019 95

TABLE,

Showing the total amount of taxes levied by each county and charged to the respective County Treasurers, for the year 1868; also the amount collected and paid in of the same, up to November 30, 1868, and balance not collected; and also the total amount of licenses collected, and the fees paid each County Treasurer, for the year ending November 30, 1868.

COUNTIES.	COUNTY TREASURERS.	Total amount of taxes levied for territorial purposes.	Total amount collected up to Nov. 30, 1868.	Balance due and uncollected to Nov. 30, 1868.	Total amount of license collected for the year ending Nov. 30, 1868.	Total amount of fees paid county treasurers for collecting territorial revenue.
Madison	A. S. Potter	\$8,464 19	\$5,770 77	\$2,663 42	\$5,735 20	\$ 997 31
Gallatin	T. B. Gray	1,752 55	1,425 58	326 97	458 24	470 02
Jefferson	John C. Gilman	1,249 02	471 15	777 87	1,627 70	560 22
Meagher	Wm. Parberry and F. T. Woodson	1,665 91	1,121 49	544 42	2,430 67	646 39
Lewis and Clarke	M. W. King	10,786 72	7,078 67	3,708 05	10,817 40	1,544 29
Choteau	Jos. S. Hill	1,600 00	.....	1,600 00	1,854 45	396 80
Deer Lodge	Adison Smith	4,619 61	3,788 75	830 86	5,842 42	1,051 82
Missoula	W. G. Edwards	1,628 86	1,282 24	346 62	142 80	773 55
Beaver Head	A. J. Urlin	1,514 43	791 88	1,062 55	1,199 60	512 47
Total amount of taxes levied .....	.....	\$33,551 29	\$21,730 53	.....	.....	.....
Total amount of taxes collected .....	.....	.....	.....	\$11,850 76	.....	.....
Amount taxes not collected .....	.....	.....	.....	.....	\$30,708 48	.....
Total amount licenses collected .....	.....	.....	.....	.....	.....	.....
Total amount fees paid County Treasurers .....	.....	.....	.....	.....	.....	\$6,952 87

REPORT OF WARRANTS ISSUED.

Date of Warrants.	No. of Wt.	To whom issued.	For what purpose.	Amount
Dec. 14, 1867	1	J. R. Weston.....	Pay as Member H. R. 4th Session	\$72 00
14,	2	O. P. Thomas.....	Pay Sergt-at-arms, 4th Session	20 00
14,	3	O. P. Thomas.....	Pay Sergt-at-arms, 4th Session	34 00
14,	4	Whit Tennant.....	Pay Member H. R. 4th Session	72 00
14,	5	Sam. Word	Pay Member H. R. 4th Session	72 00
14,	6	J. M. Anderson	Pay Member H. R. 4th Session	72 00
14,	7	N. C. Boswell	Pay Member H. R. 4th Session	72 00
14,	8	H. R. Comly.....	Pay Member H. R. 4th Session	72 00
14,	9	James Gallaher	Pay Member H. R. 4th Session	24 00
14,	10	James Gallaher	Pay Member H. R. 4th Session	25 00
14,	11	James Gallaher	Pay Member H. R. 4th Session	25 00
14,	12	James Gallaher	Pay Member H. R. 4th Session	25 00
14,	13	James Gallaher	Pay Member H. R. 4th Session	25 00
14,	14	James Gallaher	Pay Member H. R. 4th Session	50 00
14,	15	James Gallaher	Pay Member H. R. 4th Session	50 00
14,	16	James Gallaher	Pay Member H. R. 4th Session	100 00
14,	17	H. N. Kenerly.....	Pay Member H. R. 4th Session	72 00
14,	18	W. Stewart	Pay Member H. R. 4th Session	52 00
14,	19	F. E. W. Patton.....	Pay Member H. R. 4th Session	72 00
14,	20	Jasper Rand.....	Pay Member Council, 4th Sess.	72 00
14,	21	J. M. Clarkson.....	Pay 2nd Asst. Clerk, 4th Session	72 00
14,	22	W. H. Edwards	Pay Member H. R. 4th Session	28 00
14,	23	W. H. Edwards	Pay Member H. R. 4th Session	64 00
14,	24	W. H. Edwards	Pay Member H. R. 4th Session	64 00
14,	25	J. W. Rhodes.....	Pay Member H. R. 4th Session	545 00
14,	26	John Thompson	Pay Doorkeeper Council.....	42 00
14,	27	Wm. Butz.....	Pay Enl. Clerk H. 4th Session..	60 00
14,	28	H. J. Johnson	Pay Doorkeeper, 4th Session.	42 00
14,	29	L. Chamberlain	Pay Fireman, 4th Session.....	72 00
14,	30	Thomas B. Wade.....	Pay Chief Clerk C. 4th Session	66 00
14,	31	S. R. Elwell.....	Pay Sergt-at-Arms C. 4th Sess.	56 00
14,	32	C. C. Menaugh.....	Pay 1st Asst Clerk C. 4th Sess.	66 00
14,	33	D. B. Jenkins	Pay Enl. Clerk C. 4th Session.	66 00
14,	34	H. H. Showers.....	Pay Eng. Clerk C. 4th Session.	66 00
14,	35	C. B. Robinson.....	Pay 2nd Asst Clerk C. 4th Sess.	72 00
14,	36	D. S. Tuttle	Pay Chaplain H. R. 4th Session	65 00
14,	37	A. J. Snyder.....	Pay Page H. R. 4th Session....	30 00
14,	38	R. Watson.....	Pay Page H. R. 4th Session....	30 00
14,	39	P. L. Johnson	Pay Page Council, 4th Session..	30 00
14,	40	Charles S. Bagg	Pay Member Council, 4th Sess.	72 00
14,	41	J. W. Corum.....	Pay Member Council, 4th Sess.	72 00
14,	42	W. E. Cullen.....	Pay Member Council, 4th Sess.	72 00
14,	43	Sample Orr	Pay Member Council, 4th Sess.	243 00
14,	44	Thomas Watson	Pay Member Council, 4th Sess.	235 00
14,	45	John J. McClain	Pay Eng. Clerk H. R. 4th Sess.	10 00
14,	46	John J. McClain	Pay Eng. Clerk H. R. 4th Sess.	56 00
14,	47	F. A. Shields	Pay 1st Asst Clerk, 4th Session	66 00
14,	48	A. C. Hill.....	Pay Fireman H. R. 4th Session	18 00
14,	49	.....	Not issued	
14,	50	A. C. Hill.....	Pay Fireman H. R. 4th Session	54 00

Date of Warrants.	No. of wt.	To whom issued.	For what purpose.	Amount
Dec. 16, 1867	51	Wm. K. Roberts	Pay for support of prisoners ..	835 00
16,	52	Alex. Davis	Pay Member Council, 4th Sess	240 00
Dec. 19, 1867	53	O. P. Thomas	Pay Sergt-at-Arms, H. R., J. R.	100 00
19,	54	Wm. Deascey	Pay Doorkeeper, H. R., J. R..	100 00
19,	55	A. H. Barrett	Pay Clerk H. R., J. R. No. 1..	120 00
19,	56	W. Y. Lovell	Pay Clerk Council, J. R. No. 1	120 00
19,	57	C. C. Menaugh	Pay Clerk H. R., J. R. No. 1..	110 00
19,	58	C. C. Menaugh	Pay Clerk H. R., J. R. No. 1..	10 00
19,	59	F. A. Shields	Pay Clerk H. R., J. R. No. 1..	120 00
19,	60	E. S. Calhoun	Pay Clerk H. R., J. R. No. 1..	43 00
19,	61	E. S. Calhoun	Pay Clerk H. R., J. R. No. 1..	77 00
19,	62	John P. Bruce	Pay for printing J. R. No. 1..	120 00
19,	63	S. C. Chamberlain....	Pay as Fireman J. R. No. 1..	100 00
Dec. 21, 1867	64	J. W. Corum	Pay Member Council, Ex. Sess	161 00
21,	65	Chas. Bagg, Pres....	Pay Member Council, Ex. Sess	196 00
21,	66	W. E. Cullen	Pay Member Council, Ex. Sess	161 00
21,	67	Alex. Davis	Pay Member Council, Ex. Sess	96 50
21,	68	Sample Orr....	Pay Member Council, Ex. Sess	179 00
21,	69	Jasper Rand	Pay Member Council, Ex. Sess	229 00
21,	70	Thomas Watson	Pay Member Council, Ex. Sess	133 50
21,	71	Thomas B. Wade	Pay Chief Clerk, Ex. Session..	153 00
21,	72	C. C. Menaugh	Pay 1st Asst Clerk, Ex. Sess..	98 50
21,	73	H. H. Showers	Pay Eng. Clerk, Ex. Sess.....	105 50
21,	74	D. B. Jenkins.....	Pay Enl. Clerk, Ex. Session..	153 00
21,	75	S. R. Elwell	Pay Sergt-at-Arms, Ex. Sess..	139 50
21,	76	C. B. Robinson	Pay 2nd Asst Clerk, Ex. Sess..	133 50
21,	77	John Thompson	Pay Doorkeeper, Extra Sess..	93 50
21,	78	S. S. Chamberlain....	Pay Fireman, Extra Sess	161 00
21,	79	Henry A. Kenerly	Pay Member H. R. Extra Sess	260 00
21,	80	Perry Johnson	Pay Page of C. Extra Sess....	40 50
21,	81	J. R. Weston	Pay Member H. R. Ex. Sess..	100 00
21,	82	J. R. Weston	Pay Member H. R. Ex. Sess..	103 00
Dec. 24, 1867	84	J. M. Anderson	Pay Member H. R. Ex. Sess..	185 00
24,	85	N. C. Boswell	Pay Member H. R. Ex. Sess..	220 00
24,	86	H. R. Comly	Pay Member H. R. Ex. Sess..	185 00
24,	88	James Gallaher	Pay Member H. R. Ex. Sess..	150 00
24,	89	James B. Powell	Pay keeping ordinance of Ter..	360 00
24,	90	D. B. Jenkins	Pay Eng. Clerk C. Ex. Sess..	33 00
24,	91	A. J. Snyder, Jr.	Pay Page H. R. Ex. Sess	55 00
24,	92	H. J. Johnson	Pay Doorkeeper H. R. Ex. Sess	53 50
24,	93	H. J. Johnson	Pay Doorkeeper H. R. Ex. Sess	23 50
24,	94	Alex. Davis	Pay Member C. Ex. Sess.....	36 00
24,	95	F. A. Shields	Pay Chief Clerk H. R. Ex. Sess	133 00
24,	96	Wm. Butz	Pay Enl. Clerk H. R. Ex. Sess	153 00
24,	97	W. Stewart	Pay Speaker H. R. Ex. Sess..	222 00
24,	98	Sample Orr	Pay Member C. Ex. Sess.....	36 00
24,	99	Chas. S. Bagg, Pres....	Pay Member C. Ex. Sess.....	36 00
24,	100	John Thompson	Pay Doorkeeper C. Ex. Sess..	21 00
24,	101	C. C. Menaugh	Pay Asst Clerk, Ex. Sess. J. R	33 00
24,	102	S. R. Elwell	Pay Sergt-at-Arms C. Ex. Sess	27 00
24,	103	S. S. Chamberlain	Pay Fireman Ex. Sess. J. R..	36 00
24,	104	Jasper Rand	Pay Member C. Ex. Sess.....	36 00
24,	105	Whit Tennant	Pay Member H. R. Ex. Sess ..	197 00
24,	106	N. C. Boswell	Pay Member H. R. Ex. Sess..	12 00

Date of Warrants.	No of w't.	To whom issued.	For what purpose.	Amount
Dec. 24, 1867	107	J. W. Corum	Pay Member C. Ex. Sess.....	\$36 00
24,	108	O. P. Thomas.....	Pay Sergt-at-Arms H. R. Ex. S	99 00
24,	109	J. M. Clarkson	Pay 2nd Asst Clerk H. R. Ex. S	121 00
24,	110	W. H. Edwards	Pay Member H. R. Ex. Sess..	190 00
24,	111	W. H. Edwards	Pay Member H. R. Ex. Sess..	14 00
24,	112	J. R. Weston	Pay Member H. R. Ex. Sess..	12 00
24,	113	C. B. Robinson.....	Pay Asst Clerk C. Ex. Sess....	48 00
24,	114	F. E. W. Patton	Pay Member H. R. Ex Sess..	132 00
24,	115	W. E. Cullen	Pay Member C. Ex. Sess.....	36 00
24,	116	P. J. Johnson.....	Pay Page C. Ex. Sess.....	15 00
24,	117	J. W. Rhodes.....	Pay Member H. R. Ex. Sess..	207 00
24,	118	J. M. Anderson.....	Pay Member H. R. Ex. Sess..	12 00
24,	119	A. C. Hill	Pay Fireman H. R. Ex. Sess..	162 00
24,	120	Daniel Tuttle	Pay Chaplain H. R. Ex. Sess..	55 00
24,	121	Henry Showers	Pay Eng. Clerk C. Ex. Sess....	33 00
24,	122	H. R. Comly.....	Pay Member H. R. Ex. Sess..	12 00
24,	123	J. R. Weston.....	Pay Member H. R. Extra Sess..	55 00
24,	124	Thos. B. Wade.....	Pay Chief clerk C. Extra Sess .	33 00
24,	125	Thos. Watson.....	Pay Member C. Extra Sess....	36 00
24,	126	Sam. Word.....	Pay Member H. R. Extra Sess	102 00
24,	127	Sam. Word.....	Pay Member H. R. Extra Sess.	30 00
24,	128	John J. McClain.....	Pay Eng. clk. H. R. Extra Sess	32 00
24,	129	John J. McClain.....	Pay Eng. clk. H. R. Extra Sess	84 00
24,	130	John J. McClain.....	Pay Eng. clk. H. R. Extra Sess	100 00
24,	131	M. J. Tieman.....	Pay Asst. clk. H. R. Extra Sess	12 00
24,	132	A. H. Beattie.	Pay Asst. clk. H. R. Extra Sess	12 00
24,	133	J. W. Brown.....	Pay Asst. clk. H. R. Extra Sess	12 00
24,	134	J. W. Brown.	Copying laws for Aud. & Treas.	20 00
24,	135	C. M. Cline.....	Pay Asst. clerk H. R. joint res.	12 00
24,	136	S. W. Hurst.....	Pay for arresting prisoners. . .	100 00
24,	137	Chas. H. Gage.....	Pay for arresting prisoners. . .	100 00
24,	138	D. C. Lee.....	Pay for arresting prisoners. . .	100 00
24,	139	S. J. Johnson.....	Pay Asst. clk. H. R.....	12 00
24,	140	D. J. Ray.....	Pay 2d asst. clk. H. R. Extra Sess	144 00
30,	141	John P. Bruce.....	Pay printing blanks for Auditor	100 00
30,	142	John P. Bruce.....	Pay printing blanks for Auditor	100 00
30,	143	John P. Bruce.....	Pay printing blanks for Auditor	100 00
30,	144	John P. Bruce.....	Pay printing blanks for Auditor	100 00
30,	145	C. B. Donaldson.....	Pay stationery for Auditor. . .	32 00
30,	146	James Gallaher.....	Pay Member H. R.....	12 00
30,	147	John P. Bruce.	Pay printing for Auditor's Office	64 00
30,	148	John P. Bruce.....	Pay printing for Auditor's Office	136 00
30,	149	John P. Bruce.....	Pay printing for Auditor's Office	100 00
30,	150	John P. Bruce.....	Pay printing for Auditor's Office	100 00
30,	151	John P. Bruce.....	Pay printing for Auditor's Office	250 00
30,	152	John P. Bruce.....	Pay printing for Auditor's Office	250 00
30,	153	John P. Bruce.....	Pay printing for Auditor's Office	500 00
30,	154	John P. Bruce	Pay printing for Auditor's Office	500 00
30,	155	John P. Bruce.....	Pay printing for Auditor's Office	500 00
30,	156	John P. Bruce.. . . .	Pay printing for Auditor's Office	500 00
30,	157	A. J. Prosser.....	Pay Fireman, H R J. R.	15 00
Jan. 2, 1868	158	Robert Hedge.....	Pay Asst. clerk, Feb. 1867, J. R	120 00
3,	159	R. S. Hamilton.....	Pay fuel for Aud. and Treas. . .	16 00

Date of Warrants.	No. of w't.	To whom issued.	For what purpose.	Amount
Jan. 4, 1868	160	David McCranor.....	Pay boarding prisoners.....	\$20 00
4,	162	David McCranor.....	Pay boarding prisoners.....	20 00
4,	163	David McCranor.....	Pay boarding prisoners.....	9 60
4,	164	David McCranor.....	Pay boarding prisoners.....	291 40
4,	165	Wright & Word.....	Pay printing for Aud. and Treas	50 00
4,	166	E. Creighton.....	Pay repairs Aud. and Treas. Of.	11 33
10,	167	Green C. Smith.....	*Pay printing Territorial bonds	100 00
10,	168	Green C. Smith.....	Pay printing Territorial bonds.	100 00
10,	169	Green C. Smith.....	Pay printing Territorial bonds.	100 00
10,	170	Green C. Smith.....	Pay printing Territorial bonds	100 00
10,	171	Green C. Smith.....	Pay printing Territorial bonds.	100 00
10,	172	Green C. Smith.....	Pay printing Territorial bonds.	100 00
10,	173	Green C. Smith.....	Pay printing Territorial bonds.	100 00
10,	174	Green C. Smith.....	Pay printing Territorial bonds.	100 00
10,	175	Green C. Smith.....	Pay printing Territorial bonds.	100 00
10,	176	Green C. Smith.....	Pay printing Territorial bonds.	100 00
11,	177	John Howe.....	Pay iron safe, special acct. Ex. S	500 00
12,	178	R. N. Farley.....	Pay fur. & rep. Aud. & Treas. Of.	200 00
12,	179	R. N. Farley.....	Pay fur. & rep. Aud. & Treas Of.	108 85
13,	180	R. S. Hale.....	Pay Stat'y Aud. & Treas. Of..	19 17
13,	181	R. S. Hale.....	Pay Paper and glaz. A. & T. Of.	16 80
13,	182	R. S. Hale.....	Pay Books Aud. & Treas Office	35 50
15,	183	John H. Ming.....	Pay Books & sta'y A. & T. Of.	12 00
15,	184	John H. Ming.....	Pay Books & sta'y A. & T. Of.	33 83
20,	185	H. J. Johnson.....	Pay haulingsawdust, H. R., J. R.	15 00
21,	186	W. H. Rodgers.....	Pay per cent. on issues.....	500 00
21,	187	W. H. Rodgers.....	Pay per cent. on issues.....	437 00
27,	188	R. N. Farley.....	Pay reps. & fur. A. & T. Office.	156 00
27,	189	G. A. Baker.....	Pay Asst. clk. C. Ex. Sess. J. R.	12 00
27,	190	Hoopes & Bro.....	Pay repairs Aud. & Treas. Of..	10 00
29,	191	Simpson & Huss.....	Pay repairs Aud. & Treas. Of..	20 00
Feb. 1, 1868	192	D. H. Hopkins.....	Pay Asst. clerk, Extra Session	6 40
1,	193	D. H. Hopkins.....	Pay Asst. clerk, Extra Session	5 60
5,	194	W. M. Stafford.....	Pay Dist. Atty, quarter salary.	375 00
8,	195	Idean Beaudit.....	Pay fuel for Aud. & Treas. Of..	9 00
10,	196	Wright & Word.....	Pay printing blanks for Auditor	45 00
10,	197	Wilkinson & Ronan....	Pay printing Gov.'s Mess. J. R.	176 00
10,	198	Tootle, Leach & Co....	Pay furnishing Aud. & Treas Of.	101 83
15,	199	Wm. K. Roberts.....	Pay for support of prisoners...	250 00
15,	200	Wm. K. Roberts.....	Pay for support of prisoners...	180 00
15,	201	Wm. K. Roberts.....	Pay for support of prisoners...	93 80
17,	202	W. H. Rodgers.....	Pay per cent. on issues.....	125 00
17,	203	R. S. Hamilton.....	Pay for stove for A. & T. Of..	300 00
17,	204	R. S. Hamilton.....	Pay extra pipe, tinware, etc...	21 64
March 3, 1868	205	David McCranor.....	Pay support of prisoners.....	160 00
6,	206	H. J. Johnson.....	Pay fuel for Aud. & Treas Of..	11 00
6,	207	W. H. Rodgers.....	Pay one quar. salary as Auditor	175 00
9,	208	R. S. Hale.....	Pay books and stat'y A. & T.	79 00
12,	209	D. W. Tilton.....	Pay books for Ter. Treasurer..	60 00
18,	210	W. H. Rodgers.....	Pay per cent. on issues.....	6 40
24,	211	W. K. Roberts.....	Pay support of Ter. prisoners..	228 50
25,	212	James Tufts.....	Pay one quarter salary as Sec'y	250 00
25,	213	W. G. Barkley.....	Pay one quarter salary as Treas	175 00
26,	214	G. C. Smith.....	Pay one quarter salary as Gov.	625 00
28,	215	Wright & Word.....	Pay printing blanks for Auditor	200 00

* Provisions of "An Act to provide for funding the debt of Montana Territory."—Sec. 7.

Date of Warrants.	No. of w't.	To whom issued.	For what purpose.	Amount.
April 6, 1868	216	W. J. Stevens.....	Pay one quar. salary as Dis. At.	\$375 00
6,	217	W. H. Rodgers.....	Pay per cent. on issues.....	117 68
8,	218	J. H. Shober.....	Pay one quar. salary as Dist. At.	375 00
14,	219	H. D. Larabee.....	Pay support of Ter. prisoners.	784 00
15,	220	R. S. Hamilton	Pay repairs on stove pipe....	5 00
15,	221	R. N. Farley.....	Pay repairs on Aud. & Treas. Of.	6 00
15,	222	W. K. Roberts.....	Pay support of Ter. prisoners	387 00
27,	223	M. J. Freeman.....	Pay for fuel	4 00
May 5,	224	John H. Shober.....	Pays salary as District Attorney	375 00
6,	225	T. F. Campbell.....	Pay salary Sup't Pub. Instr....	175 00
8,	226	W. M. Stafford.....	Pay salary District Attorney.	375 00
9,	227	W. J. Stephens.....	Pay salary District Attorney.	375 00
11,	228	J. W. Reins.....	Pay medical aid to Ter. pris'rs	90 00
14,	229	W. H. Rodgers.....	Pay per cent. on issues.....	153 00
21,	230	Wright & Word.....	Pay printing blanks for Ter....	570 00
22,	231	Green Clay Smith.....	Pay one quarter salary as Gov.	625 00
22,	232	W. H. Rodgers.....	Pay per cent. on issues.....	75 00
22,	233	John W. Reins.....	Pay medical aid to prisoners..	35 00
June 4,	234	P. Lambrecht & Son ..	Pay rent of Aud. & Treas. Of..	40 00
6,	235	W. H. Rodgers.....	Pay one quar. salary as Auditor	175 00
6,	236	W. G. Barkley.....	Pay one letter press for Treas.	21 00
12,	237	W. G. Barkley.....	Pay one quar. salary as Treas.	175 00
19,	238	W. K. Roberts.....	Pay keeping and support pris.	558 00
23,	239	Weir & Pope.....	Pay medicines for Ter. pris'rs	16 25
24,	240	James Tufts.....	Pay one quar. salary as Sec'y	250 00
27,	241	W. H. Rodgers.....	Pay per cent. on issues.....	66 00
July 8,	242	John H. Ming.....	Pay stat'ry for Sup't Pub. Ins.	61 57
26,	243	John H. Ming.....	Pay stat'ry for Auditor's Office	5 41
Aug. 5, 1868	244	T. F. Campbell.....	Pay Supt Public Instruction..	175 00
5,	245	W. M. Stafford.....	Pay salary as Dist. Atty.....	375 00
7,	246	Phil McGovern.....	Pay boarding Ter. prisoners..	750 00
7,	247	Phil McGovern.....	Pay boarding Ter. guard	351 00
7,	248	Phil McGovern.....	Pay hire of Ter. guard	1170 00
7,	249	W. H. Rodgers.....	Pay per cent. on issues.....	148 00
7,	250	G. W. Traver.....	Pay Mitchell's large Atlas...	20 00
10,	251	W. J. Stephens.....	Pay one quar. salary as D. Atty	375 00
24,	252	Hale & Morris.....	Pay sta'ry Aud. and Treas. Of.	26 00
31,	253	Wilkinson & Ronan....	Pay print'g sch. laws and bl'ks	360 00
Sept. 7, 1868	254	W. H. Rodgers.....	Pay one quar. salary as Aud.	175 00
7,	255	W. H. Rodgers.....	Pay per cent. on issues.....	55 00
11,	256	John P. Bruce.....	Pay paper and print. for A. & T	29 20
11,	257	John Johnson.....	Pay repairs Aud. and Treas. Of.	17 66
12,	258	W. G. Barkley.....	Pay salary as Treasurer.....	175 00
25,	259	Nowlan & Weary.....	Pay rent Aud. and Treas. Of.	160 00
26,	260	James Tufts.....	Pay one quar. salary as Sec..	250 00
Oct. 1, 1868	261	W. F. Bartlett.....	Pay broom for Aud and T. Of.	3 00
3,	262	W. H. Rodgers.....	Pay per cent. on issues.....	13 97
3,	263	Nowlan & Weary.....	Pay rent Aud. and Treas. Of.	222 22
29,	264	Spencer & Harrison....	Pay fuel " " " "	55 55
29,	265	Harrison & Folsom....	Pay fuel " " " "	12 14
29,	266	J. T. Shed.....	Pay fuel " " " "	7 24
29,	267	Jacob Fry.....	Pay fuel " " " "	8 52
Nov. 4, 1868	268	Wm. M. Stafford	One quar. salary as Dist. Atty	375 00

Date of Warrants.	No. of wt.	To whom issued.	For what purpose.	Amount.
Nov. 4, 1868	269	R. M. Renshaw.....	Pay cutting wood A. and T. Of.	\$ 6 40
4,	270	John H. Shober.....	Pay two quar. salary Dist Atty	750 00
4,	271	W. H. Rodgers.....	Pay per cent. on issues.....	106 00
6,	272	James Henderson.....	Pay cutting wood A. and T. Of.	4 18
6,	273	James M. Grant.....	Pay " " "	5 04
6,	274	Charles Reed.....	Pay " " "	3 69
9,	275	Clark & Mitchell.....	Pay one office chair for Aud..	13 18
16,	276	Holter & Bro.....	Pay cutting wood A. and T. Of.	10 72
18,	277	W. J. Stephens.....	Pay salary as Dist. Attorney.	275 00
23,	278	T. F. Campbell.....	Pay salary as Sup't Pub. Inst.	175 00
Total.....				\$36,379 26

NOTE.—On page 15, Treasurer's Report, read "By amount of Bonds Issued" \$58,850, instead of "Amount on Bonds." The report was put in type from a copy. The original of W. G. Barkley, Treasurer, had it as now corrected.

ANNUAL REPORT OF THE TERRITORIAL SUPERIN- TENDENT OF PUBLIC INSTRUCTION,

FOR THE YEAR ENDING NOVEMBER 30, 1868.

To His Excellency, James Tufts, Acting Governor of Montana Territory:

DEAR SIR—The condition of Common Schools in the Territory is not as favorable as we could desire; and yet when we take into consideration the circumstances and influences which have opposed themselves to the practical working of our system, and the want of adaptation of the system itself to our present condition, we have more cause for rejoicing than for regrets. In many localities schools have been conducted with commendable zeal and good success during the present year, and a general interest on the subject of education is manifesting itself in almost every commu-

nity. I doubt whether any State or Territory can show a better record for the first five years of its history from a wilderness state, or point to more encouraging prospects at the end of that period, for the future, than those which open up before us, and encourage us to renewed energy in the noble work of education.

The County Superintendents were, it seems, under the impression that their reports were not to be sent in until the 20th of November, according to the requirements of the old law. Owing to this misapprehension, I presume, reports from only five counties have reached me. This will account, also, for the late hour at which the report is handed in, for I was anxious to make as full a report as possible under the circumstances.

The tabular statement marked "A," compiled from the reports received from Madison, Gallatin, Deer Lodge, Lewis and Clarke, and Meagher counties, shows the condition of common schools in these counties respectively.

The reports of the county superintendents, as a general thing, are not as full as could be desired, and only one or two of them are coupled with any remarks touching the prospects before them.

Mr. E. Thrasher, Superintendent for Madison county, uses the following very encouraging language: "Madison county, with the present population and school tax, will be able to maintain about ten schools—a majority of them the greater part of the year. An annual report from the districts would be quite sufficient, with two appropriations as there now are. The schools are quite efficient and the people much interested."

Dr. A. J. Hunter, Superintendent of Meagher county, informs me that he districted his county soon after his appointment; but he has not succeeded in having a single district organized. His report shows nothing beyond the amount of money in the treasury belonging to the school fund.

Mr. M. Perrin, from Deer Lodge, gives a more flattering report. In the organized districts, schools are well sustained, and the people are generally showing a lively interest in the subject of education.

From Gallatin I have only the statistical report of the Superintendent, without note or comment. I infer, however, from the

number of organized districts and the number of children taught, that the valley county is not behind in her educational facilities, and that her schools are in a healthy condition.

Lewis and Clarke county has only three organized districts, two of which, in the Prickly Pear valley, sustain good schools during the winter months. The Helena district has now three common schools, with an aggregate attendance of one hundred and eighty-one (181) pupils.

The interest manifested, and the zeal and energy displayed, by our present efficient board of directors in Helena, are worthy of the highest commendation. I may be permitted to note, also, the select school of Prof. E. W. Stone, numbering from twenty to thirty students, as an institution in the Territory, pushing forward the great interests of education. Prof. Stone is now conducting a course of lectures being delivered in Helena, which he proposes to extend through the winter months, from which we anticipate good results, by placing the whole subject of education in a clear and impressive light before the people.

I presume that private schools in other counties are doing good work, and other gentlemen in other localities are exerting good influences in this direction; but as the county superintendents did not deem it in the line of their duty to mention these in connection with their reports, I cannot particularize them in this.

The Sunday Schools spring up in every town of note, and some even in the rural districts are becoming a "power in the land," in an educational point of view, and are worthy to receive the encouragement and countenance of every school officer in the Territory. While these form no part of our common school system, they constitute an effective auxiliary to it, in so much that I cannot believe I am out of the limits of my duty in mentioning them in this connection, and bespeaking for them the warm support and earnest co-operation of all who feel an interest in the moral and religious training of the youth of our Territory.

The text books in general use are, so far as the reports show, those recommended by me in January last. So important did I deem the uniformity of text books throughout the Territory, that the first official act after my appointment was to prepare and cause to be published in the "Rocky Mountain Gazette," the lists here-

with submitted, marked "B" and "C," to which your attention is respectfully called.

In preparing these lists, I was influenced to some extent by the fact that many of these works were in common use in the Territory. The cost of school books here is no inconsiderable item, and the principal inducement for several of these selections was to avoid the inconvenience of a change and the expense consequent thereon. None of the county superintendents have made any objection to this list or suggested any change. I take it for granted, therefore, that it is satisfactory.

After incorporating the amendments of the last Legislature into the body of the school law, I caused a number of copies, sufficient to supply all the school officers in the Territory with at least one copy, to be printed and bound in pamphlet form. These, together with forms for the reports of county superintendents and district clerks, and daily registers for the use of teachers, I sent to the several county superintendents, with instructions to distribute them to the various school officers and others entitled by law to receive them.

I delivered two lectures on the subject of education in Diamond City and two in Helena. I also prepared several articles which were published in the Gazette. The lectures were listened to with marked interest.

We have no permanent school fund in the Territory, nor have we any legislation tending to the establishment of such a fund. The sixteenth and thirty-sixth sections of land given by the United States for schooling purposes, are generally reserved to the townships in which they are located, or to the counties, and never, so far as I have been able to learn, enter into a State or Territorial fund.

It seems to me of paramount importance that we should have some nucleus established, around which we could form a territorial fund, the interest of which should be appropriated annually for school purposes. How to establish such a point—from what source to create such a fund? are questions to which I have given much thought and investigation, without reaching any very satisfactory conclusion. Would not that spirit of liberality which has ever characterized the policy of the General Government in matters of education, warrant the Legislature in memorializing Congress

on this subject—vital alike to the interests of the nation as to the prosperity of the Territory—asking that a portion of the United States revenue, collected in the Territory, for a limited period, be set apart for this purpose?

I trust I shall be pardoned for this suggestion, for it is the only feasible plan that presents itself to me for the accomplishment of the desired end. The Government could well afford to make such an appropriation. The hardy and adventurous pioneer has opened up a wilderness to civilization, from the bosom of which he has extracted millions of dollars in gold, which he has thrown into the circulating wealth of the nation. The lands, only a few years ago valueless, are now sought for with eagerness; and the land office in this city is becoming the repository of thousands of our hard earned treasure.

The laboring, toiling masses of the Territory, who dig the gold and plough the soil, and give value to the land, are not the fortunate ones who amass fortunes, and retire from the Territory to enjoy the refinement and luxuries of the East. Yet it is the product of their energy and the fruit of their labor that give the country all this treasure. Will not the nation cheerfully lend a helping hand to these adventurous sons of toil, by permitting them to retain a part of the means so cheerfully paid by them into the national treasury, for the worthy purpose of educating their sons and daughters, who have shared their labors and participated in their dangers and toils? An enlightened policy dictates it, and evenhanded justice demands it.

Congress will, no doubt, ultimately make to this Territory, as it has to other States and Territories, an appropriation of lands for a college or university, hereafter to be established. How much better to make such an appropriation now, while a choice selection can be made, and the value of such donation could be more than doubled to such an institution by securing alternate sections in our rich, but yet unoccupied valleys. An appropriation by the Legislature of a part of the territorial revenue, say ten per cent. per annum, as a permanent school fund, would, it seems to me, work no great hardship, since the principal could be used by the Territory in the form of a loan, and as the amount would necessarily be small at first, the interest, payable semi-annually, would be no burden; and yet in a few years we should

establish a basis for a permanent fund, and a foundation upon which we could build with material collected from other sources.

Our school tax must necessarily be large to sustain any system that shall meet our demands for education. If we had a school fund yielding a good dividend to the counties respectively, our direct tax would be proportionately lighter.

The importance of the matter here suggested will be recognized by all. The only question, I apprehend, will relate to the speediest and best means for its accomplishment. Other and better means than those here suggested may be devised by the Legislature for the accomplishment of this desirable end. In any event, I trust an initial point may be reached from which we may calculate, with certainty, on favorable results in the future.

The law provides that where the sixteenth and thirty-sixth sections shall have been occupied previous to the United States survey, other lands shall be selected in lieu thereof. The surveys as far as made show that some of these lands have been occupied. Some legislation will be necessary to secure the selection and location of these lands, and to provide for the leasing and sale of the school lands and the investment of the proceeds. It is important that these selections should be made at the earliest day practicable, before the best lands are occupied.

The common school system under which we are attempting to work, presents, both in its general scope and in its details, many admirable features; and, in a community favorably circumstanced, would accomplish all that was contemplated by the Legislature that gave it being. But the experience of four years has demonstrated its want of adaptation to our surroundings, and its utter inadequacy to meet our demands. And yet I find it difficult to suggest any amendment by which the evils known to exist can be removed without sadly deranging the whole system. This would lead to much confusion, and be attended with serious consequences to our schools now organized, many of which, notwithstanding all opposing influences, are in a flourishing condition. To obviate these consequences, and yet to harmonize the system to our present social condition, and to give it that strength and efficiency necessary to vigor and success, it seems to me that the Territorial Superintendent should be required to visit each county in the Territory at least twice a year; that he should give his whole

time to the work of education, and with tongue and pen faithfully and earnestly keep the subject, in all its bearings and relations in life, before the public. He might be required to discharge all the duties of County Superintendent in those counties where there were found less than, say ten or twenty, organized districts. This would save to the county the trifling expense of a County Superintendent's salary, and to the County Superintendent the duties of a public servant for which he is inadequately paid, and to which consequently he can give but little of his time and attention.

Instead of three directors and a clerk, I would suggest that a district board should be composed of a president, a clerk, and a treasurer, and that these should receive a *per diem* compensation—especially should the clerk receive a compensation when listing or making a census of the children in his district.

The authority of the clerk to collect a special tax, levied by a district meeting, has been called in question, and I understand the Supreme Court, in a case arising in the Helena district, decided that the statute gave him no sufficient authority. I refer to Chapter III, Section 10-5 of the school law, 1868. This defect should be remedied.

The County Superintendent should be required to be present at the organization of every district in his county, to see that the proceedings are regular, the records properly made up and preserved, and the officers duly qualified. He should be authorized to administer the oath of office to those elected.

The school tax should be made uniform and definite throughout the Territory. As it now stands, one county may levy one mill, another three mills, on the dollar. I see no good reason for this disparity. Five mills on the dollar, in every county alike, would give a school fund that would meet, very amply, the demands for education, and anything less will prove insufficient.

While this is a large per cent. for educational purposes, I am satisfied, from the past liberality of the people of the Territory, that it would be readily acquiesced in and cheerfully paid. The interest now awakened on the subject of education in every community in the Territory, shows this to be a critical and vitally important period in our educational career. A little judicious legislation at this time may give, in this department, an impetus

whose influence will be felt for generations to come. While, on the other hand, should we fail to discern "the signs of the times," and let the auspicious moment pass unimproved, it may cost years of toil and much money to regain the spirit of progress now so generally aroused and everywhere apparent.

We have every prospect of entering on the duties of the incoming year under far more favorable circumstances than those by which we were surrounded at the beginning of the present, and we trust that the results of the combined efforts of all engaged in this great and glorious work may, with the blessing of God, meet the highest expectations and most sanguine hopes of all who are directly or indirectly interested.

I have the honor to be, with the highest respect,

Your obedient servant,

T. F. CAMPBELL,

Superintendent.

[A.]

*Annual Report of the Territorial Superintendent of Public Instruction, for the Year ending
November 30, 1868.*

APPENDIX.

295

COUNTIES.	DISTRICTS.	No. of Scholars in the county between four and twenty-one years.		No. of School Houses.		No. of Scholars taught.		No. of Teachers employed.		Proportion taught of all the Scholars.	AMOUNT OF SCHOOL FUND.					
		No. of Scholars in the county between four and twenty-one years.		No. of School Houses.		No. of Scholars taught.		No. of Teachers employed.			Whence received.		How disbursed.			
		No. of Scholars in the county between four and twenty-one years.		No. of School Houses.		No. of Scholars taught.		No. of Teachers employed.			Whence received.		How disbursed.			
		Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		Direct tax.	Fines.	Other sources.	Paid to teachers.	Other purposes.	Am't on hand.
Madison	10	222	211	7	348	7	3	4-5	3	4-5	\$5,329 80	Included in the column of direct taxes.	\$4,960 00	\$300 00	\$ 69 80	
Gallatin	6	156	43	4	115	5	1	3-5	1	3-5	597 95	.....	640 00	.....	.....
Deer Lodge	6	112	109	1	60	4	1	3-11	1	3-11	983 14	.....	\$619 00	858 00	125 70
Lewis and Clarke.....	3	297	209	3	181	5	1	3-5	1	3-5	3,570 80	\$999 15	....	1,337 00	1,500 00
Meagher .....	.....	....	....	....	....	....	....	....	....	....	.....	.....	.....	.....	300 00
*Jefferson.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
*Choteau.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
*Missoula.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
*Beaver Head.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals.....	25	787	572	15	704	21	6	51-100	6	51-100	\$10,481 69	\$999 15	\$619 00	\$7,795 00	\$1,925 70	\$2,721 19

* No report.

T. F. CAMPBELL, Superintendent.

[B.]

LIST OF TEXT BOOKS

*Recommended by the Territorial Superintendent of Public Instruction to
be used in the Common Schools in the Territory of Montana.*

Primer—National School Primer.

Spellers—Webster's Elementary Speller and National Pronouncing Speller.

Readers—National Series, (Parker and Watson.)

English Grammar—Pineo's Series.

Geography—Monteith and McNally's Series.

Arithmetic—Ray's Series.

Algebra—Ray's Series.

Geometry—Davies' Legendre.

Botany—Gray's Series.

Physiology—Cutter.

Geology—Hitchcock.

Philosophy—Parker's.

Zoology—Tenney's Manual of Zoology.

Natural History—Tenney's Natural History for the Young.

Composition—Quackenbos.

History of United States of America—Willard.

Book-keeping—Bryant & Stratton.

Astronomy—Bartlett.

Penmanship—Spencerian System.

Vocal Music—The Carol, by Bradbury.

Dictionary—Webster.

T. F. CAMPBELL, *Superintendent.*

[C.]

CLASSICS.

LATIN—Bullion's Series, as follows :

Historia Sacra.

Viva Romæ.

Grammar.

Reader.

Cæsar.

Sallust and Horace.

GREEK—Bullion's Series, as follows :

Grammar.

Reader.

Anabasis.

Memorabilia.

DICTIONARIES—Latin, Ainsworth's.

Greek, Donegan's Lexicon.

T. F. CAMPBELL, *Superintendent.*

INDEX.

ADMINISTRATORS. *See Executors.*

ALEXANDER, R. D., Member of the House.	Page
Took oath of office,	7
Motions by, 53, 60, 83, 98, 99, 106, 181, 191, 210, 232, 248, 251, 271	
Nominations by,	8, 10, 11
Offers resolutions,	32
Appointment of, on Committees,	30, 32, 80, 116, 201
Submits reports, 42, 61, 80, 95, 117, 122, 137, 142, 154 159, 177, 185, 197, 209, 212, 223, 237, 249, 261, 267, 269, 270, 271, 274.	
Gives notice of bills,	38, 58, 84
Introduced bills,	37, 128, 149

ARDENT SPIRITS AND FIRE-ARMS, an act to prohibit sale of, to Indians. (H. B. 51.)	
Read first and second time,	158
Referred to Committee on Indian Affairs,	158
Report of Committee on,	178
Referred to Special Committee,	181
Report of Committee on,	189
Laid on the table,	190
Indefinitely postponed,	207

ARICK, RUFUS E.	
Nominated Chief Clerk,	8
Elected,	8
Took oath of office,	12

ARMS AND AMMUNITION, resolution to distribute, (H. J. R. No. 7.)	
Read first and second time,	251
Read third time,	251
Passed,	251

ARSENAL, resolution to build at Helena, (H. J. R. No. 6.)	Page
Read first and second time,	249
Referred to Special Committee,	249
Report of Committee on,	256
Read third time,	256
Lost,	256
ATTACHMENT LAW, Governor's Message relative to,	18
ATTACHEES OF HOUSE, resolution of thanks to,	268
ATTORNEYS AND COUNSELORS AT LAW, an act to provide for admission of, in Supreme Court, (C. B. 13.)	
Read first and second time,	50
Read third time,	50
Passed,	50
ATTORNEYS AND COUNSELORS AT LAW, an act declaratory of the rights of, (H. B. 50.)	
Read first and second time,	149
Referred to Committee on Judiciary,	149
Report of Committee on,	156
Indefinitely postponed,	161
AUDITOR AND TREASURER, Governor's Message relative to,	16
AUDITOR, resolution in relation to, (C. J. R. No. 12.)	
Read first and second time,	272
Read third time,	272
Passed,	272
AUDITOR. <i>See Treasurer</i> , (H. B. 42.)	
BARNES, J. P., Member of House.	
Took oath of office,	7
Motions by, 44, 146, 190, 191, 192	
Offers resolution,	81
Appointment of, on Committees, 30, 116, 124	
Submits reports, 59, 165, 178, 195, 197, 223	
Gives notice of bills, 37, 81	
Introduced bills, 70, 149	
BARRETT, A. H.	
Appointed clerk <i>pro tem.</i> ,	5
Nominated for Assistant Clerk,	5
Elected,	9
Took oath of office,	12
BARKLEY, W. G., Territorial Treasurer.	
Report of,	35
Report of Committee on report of,	109
Resolution of thanks to,	266

BEAVER HEAD COUNTY. *See* *Madison County*, (C. B. 31.)

BENTON CITY, an act to establish a system of wharfage at, (H. B. 81)	Page
Read first and second time,	245
Read third time,	245
Passed,	245
Approval of,	270

BERKINS, WM., an act for the compensation of, (H. B. 12.)	
Read first and second time,	56
Referred to Committee of Ways and Means,	56
Report of Committee on,	154
Referred to Special Committee,	160
Report of Committee on,	164
Report of the Committee of the Whole on,	193
Amendments of Special Committee rejected,	194
Considered by Committee of the Whole,	201
Report of Committee of the Whole on,	203
Bill amended,	203
Read third time,	207
Passed,	207
Approval of,	269

BIENNIAL SESSIONS, Governor's Message on,	24
---	----

BIG HORN COUNTY, an act to change the name of, to Vaughn county, (H. B. 82.)	
Read first and second time,	254
Read third time,	255
Passed,	255

BILLS, COUNCIL, List of.

- No. 1. Eldorado and Diamond City Wagon Road Co., an act to repeal an act to re-enact an act to incorporate.
- No. 2. Seat of Government, an act to locate.
- No. 3. Homesteads, an act to provide for exemption of.
- No. 4. Jurors, an act to amend an act concerning.
- No. 5. Licenses, an act concerning.
- No. 6. Mortgages, an act to provide for foreclosure of.
- No. 7. Deer Lodge County, an act to provide for holding regular terms of probate court of.
- No. 8. Real Property, an act to define nature and quality of estates in.
- No. 9. Mining Districts, an act to encourage the development of.
- No. 10. Montana, an act to amend an act to incorporate town of.
- No. 11. Miners, Foreign, an act to license, etc.
- No. 12. Officers, an act to provide increased compensation to.
- No. 13. Attorneys, an act to provide for admission of, in supreme court.
- No. 14. Attorney General, an act creating office and defining duties of, etc.
- No. 15. Civil Practice Act, an act to amend section 219 of.

BILLS, COUNCIL, List of — *Continued.*

- No. 16. Civil Cases, an act to regulate proceedings in.
- No. 17. Missoula County, an act to require county commissioners to provide offices for officers of.
- No. 18. Corporations, an act to amend an
- No. 19. Secretary of Montana, an act to provide extra compensation for.
- No. 20. Mullen Road, an act to declare it a public highway.
- No. 21. Mines, Placer, an act relating to discovery of.
- No. 22. Swine, an act concerning.
- No. 23. County Clerks, an act authorizing them to administer oaths.
- No. 24. Offices, an act to amend an act creating certain.
- No. 25. Civil Cases, an act to amend an act to regulate proceedings in.
- No. 26. Town Sites, an act relative to pre-emption of.
- No. 27. Smith, Addison, an act for relief of.
- No. 28. Geologist, an act creating office of.
- No. 29. Hamilton, William and Ann, an act to divorce.
- No. 30. Richards, John and Louisa, an act to divorce.
- No. 31. Madison, Deer Lodge, and Beaver Head Counties, an act defining boundaries of.
- No. 32. Deer Lodge County, an act to authorize commissioners of, to levy tax.
- No. 33. Debt of Territory, an act to amend an act providing for funding of.
- No. 34. Probate Courts, an act conferring authority on.
- No. 35. Virginia City, an act authorizing repeal of an act incorporating.
- No. 36. Schwartz, Paul and Catharine, an act to divorce.
- No. 37. Findlay, Robert K. and Elizabeth, an act to divorce.
- No. 38. Military Road, an act explanatory of an act declaring it a public highway.
- No. 39. Forcible Entry and Detainer, an act to amend an act concerning.
- No. 40. Mortgages, an act to repeal section 20 of an act concerning foreclosure of.
- No. 41. Gold and Silver Quartz Lodes, an act repealing section 6 of an act relative to discovery of.
- No. 42. Districts, Council and Representative, an act to amend an act defining.
- No. 43. Boyd, James and Mary A., an act to divorce.
- No. 44. Officers, Jurors and Witnesses, an act to amend an act regulating fees of.
- No. 45. Town Sites, an act explanatory of an act to amend an act relative to pre-emption of.
- No. 46. Judges, an act to provide a contingent fund for payment of.
- No. 47. Superintendent, Territorial, an act relative to.

BILLS, HOUSE, List of.

- No. 1. Officers, an act to provide increased compensation for.
- No. 2. Hot Spring School District, an act for relief of.
- No. 3. Revenue, an act to amend an act for collection of.
- No. 4. Trout Fishing, an act to repeal an act in relation to.

BILLS, HOUSE, List of— *Continued.*

- No. 5. Mines, Placer, an act in relation to discovery of, etc.
- No. 6. Revenue, an act amendatory of an act providing for collection of.
- No. 7. Legal Documents, an act to amend an act concerning.
- No. 8. Probate Courts, an act to provide for clerks of.
- No. 9. Stallions, an act concerning.
- No. 10. Fires, an act in relation to.
- No. 11. Grain, an act to fix rate of toll for grinding.
- No. 12. Berkins, Wm., an act for compensation of.
- No. 13. Jurors, Witnesses, etc., an act providing for payment of.
- No. 14. Civil Practice Act, an act to amend.
- No. 15. Missoula county, an act to authorize levy of bridge tax.
- No. 16. Officers, an act providing increased compensation for.
- No. 17. Carpenter, A. M. S., an act for relief of.
- No. 18. Executors and Administrators, an act to amend an act relating to.
- No. 19. Highways, Public, an act in relation to.
- No. 20. Civil Cases, an act to amend an act to regulate proceedings in.
- No. 21. Toll Road, an act to authorize construction of.
- No. 22. Civil Cases, an act to amend an act to regulate proceedings in.
- No. 23. Cattle and other Stock, an act to prevent unlawful driving away of.
- No. 24. Civil Cases, an act to amend an act to regulate proceedings in.
- No. 25. Couch, W. H., an act to provide for compensation of.
- No. 26. Jefferson County, an act to legalize records of.
- No. 27. Elections, an act to amend an act concerning.
- No. 28. Costs, an act in relation to.
- No. 29. Corporations, an act to provide for formation of.
- No. 30. Territorial Road, an act to amend an act establishing.
- No. 31. Limitations, an act to amend an act concerning.
- No. 32. Jefferson County, an act to amend an act to establish boundary lines of.
- No. 33. Masonic Fraternity of Virginia City, an act for relief of.
- No. 34. Revenue, an act to provide for collection of.
- No. 35. Civil Practice Act, an act to amend section 143 of.
- No. 36. Probate Courts, an act to regulate appeals from, to district courts.
- No. 37. Counties and County Officers, an act amending an act relating to.
- No. 38. Boats, an act concerning.
- No. 39. Crimes and Punishments, an act to repeal certain sections of an act concerning.
- No. 40. Newcomer, D. P., an act for the relief of.
- No. 41. Gold and Silver Quartz Lodes, an act to amend an act relating to discovery of.
- No. 42. Auditor and Treasurer, an act to amend an act defining duties of.
- No. 43. Teamsters, laborers and wagon masters, an act to secure liens to.
- No. 44. Farmington, an act to change name of town of.
- No. 45. Gallatin County, an act to make sheriff of, ex officio treasurer.
- No. 46. Intoxicating Liquors, an act to repeal an act to prevent sale of, to soldiers.
- No. 47. Insane Asylum and Hospital, an act to establish.

BILLS, HOUSE, List of—*Continued.*

- No. 48. County Clerks, an act to legalize certain acts of.
- No. 49. Haskell, E. W., an act to authorize issue of duplicate warrant to.
- No. 50. Attorneys and Counselors-at-law, an act declaratory of rights of.
- No. 51. Officers, Jurors and Witnesses, an act to regulate fees of.
- No. 52. Lead Mining, an act in relation to.
- No. 53. Ardent Spirits and Firearms, an act to prohibit sale of, to Indians.
- No. 54. Crimes and Punishments, an act to amend an act concerning.
- No. 55. Crimes and Punishments, an act to amend section 5 of an act concerning.
- No. 56. Schools, Common, an act to amend an act establishing.
- No. 57. Seat of Government, an act supplementary to an act to amend an act to locate.
- No. 58. Counties and County Officers, an act to amend an act relating to.
- No. 59. Missoula County, an act for relief of.
- No. 60. Librarian, an act to authorize him to send for books.
- No. 61. Mines, Placer, an act amendatory to an act relating to discovery of.
- No. 62. Mines, Placer, an act to repeal an act relating to discovery of.
- No. 63. Fugitives from Justice, an act to amend an act concerning.
- No. 64. School System, an act establishing.
- No. 65. Tolls, Illegal, an act to prevent collection of.
- No. 66. Seat of Government, an act to change.
- No. 67. District Attorney, an act to amend an act creating office of.
- No. 68. County Treasurers, an act to amend an act defining duties of.
- No. 69. Intoxicating Liquors, an act to amend an act to prevent sale of, to Indians.
- No. 70. Counties, an act to amend an act defining boundary lines of.
- No. 71. Conveyances of Mining Claims, an act concerning.
- No. 72. Jefferson County, an act to change county seat of.
- No. 73. Mechanics, an act to amend an act securing liens to.
- No. 74. Newcomer, D. P., an act requiring Deer Lodge County to pay.
- No. 75. Offices, an act supplementary to an act creating certain.
- No. 76. Gold and Silver Quartz Lodes, an act to amend an act relating to discovery of.
- No. 77. Gallaher's Ferry, an act declaring road from, to Helena, a public highway.
- No. 78. Deer Lodge County, an act authorizing levy of special tax in.
- No. 79. Laws, an act to provide for publication of.
- No. 80. Civil Cases, an act to regulate proceedings in.
- No. 81. Benton City, an act to establish a system of wharfage at.
- No. 82. Big Horn County, an act to change name of, to Vaughn county.
- No. 83. Dawson County, an act establishing.
- No. 84. Governor, an act concerning compensation of.
- No. 85. Officers and Witnesses, an act to repeal an act to amend an act regulating fees of.

	Page
BITTER ROOT VALLEY. Memorial in relation to Indian title to, (H. J. No. 4.)	
Read first and second time,	118
Referred to Committee on Agriculture,	118
Report of Committee on,	129
Read third time,	131
Passed,	131
Council substitute for, adopted,	184
Approval of,	221
BOATS, an act concerning, (H. B. No. 38.)	
Read first and second time,	130
Referred to Judiciary Committee,	130
Report of Committee on,	149
Amended,	151
Read third time,	183
Passed,	183
Approval of,	245
BOYD, JAMES AND MARGARET, an act to divorce, (C. B. 43.)	
Read first and second time,	257
Referred to Special Committee,	257
BOX ELDER, memorial for road from. (<i>See Helena.</i>)	
BRISON, A W. Member of House.	
Took oath of office,	7
Motions by, 34, 57, 100, 121, 161, 168, 173, 184, 195, 196, 201, 202, 216, 220, 227, 228, 237, 241, 243.	
Nominations by,	10, 11
Offers resolutions,	37
Appointment of, on Committee,	30
Submits reports,	64, 74, 101, 130, 139
Introduced bills,	43, 62, 210, 217
BRUCE, JNO. P.	
Resolution requesting Secretary to award printing to,	32
Communication from,	202
Resolution of thanks to,	203
Communication from, relative to publication of laws,	246
BUTZ, WILLIAM.	
Nominated Enrolling Clerk,	8
Elected,	8
Took oath of office,	12
CALIFORNIA PRACTICE ACT.	
Governor's message relative to,	17

	Page
CAMPBELL, T. F., Superintendent of Public Instruction.	
Report of,	287
CARPENTER, A. M. S.	
Nominated for Assistant Clerk,	8
Nominated for Engrossing Clerk,	9
CARPENTER, A. M. S., an act for the relief of, (H. B. 17.)	
Read first and second time,	56
Referred to Judiciary Committee,	56
Report of Committee on,	69
Read third time,	72
Lost,	72
CARR, JOHN A. Resolution to pay, (C. C. R. 8.)	
Read first and second time,	237
Referred to Committee on Ways and Means,	237
Report of Committee on,	239
Referred to Special Committee,	243
Report of Special Committee on,	251
Read third time,	251
Passed,	251
CATTLE, and other stock, an act to prevent unlawful driving away of, (H. B. 23.)	
Read first and second time,	70
Referred to Committee on Printing,	70
Referred to Committee on Agriculture,	77
Report of Committee on,	80
Read third time,	82
Passed,	82
Vote by which bill passed, reconsidered,	83
Report of Committee on,	83
Amended,	83
Read third time, and passed,	86
Approval of,	145
CHURCH, THOMAS.	
Elected Postmaster,	34
Resolution for the relief of, (H. J. R. 2,) read first and second time,	62
Referred to Committee on Ways and Means,	62
CIVIL PRACTICE ACT, an act to amend, (H. B. 14.)	
Read first and second time,	56
Referred to Committee on Printing,	56
Referred to Judiciary Committee,	65
Report of Judiciary Committee on,	69
Read third time,	72
Passed,	72

CIVIL CASES, an act to amend an act to regulate proceedings in, (H. B. 20.)	
Read first and second time,	62
Referred to Committee on Printing,	62
Referred to Judiciary Committee,	72
Report of same Committee on,	78
Read third time,	79
Passed,	79
CIVIL CASES, an act to amend an act to regulate proceedings in (H. B. 22.)	
Read first and second time,	65
Referred to Committee on Printing,	65
Referred to Judiciary Committee,	72
CIVIL CASES, an act to amend an act to regulate proceedings in, (H. B. 24.)	
Read first and second time,	77
Ordered printed,	77
Read third time,	90
Passed,	90
CIVIL PRACTICE ACT, an act to amend section 143 of, (H. B. 35.)	
Indefinitely postponed,	152
CIVIL CASES, an act to regulate proceedings in, (H. B. 80.)	
Read first and second time,	240
Read third time,	240
Passed,	240
Approval of,	273
CIVIL CASES, an act to amend an act to regulate proceedings in, (C. B. 25.)	
Read first and second time,	226
Referred to Judiciary Committee,	226
Report of Committee on,	235
Amendments of Committee adopted,	235
Read third time,	235
Passed,	235
CLERKS, COUNTY. (<i>See County Clerks.</i>)	
CLERKS OF PROBATE COURT. (<i>See Probate Court.</i>)	
CLERKS, LEGISLATIVE, resolution for the relief of, (H. J. R. 9.)	
Read first and second time,	266
Read third time,	266
Passed,	266
Council amendments concurred in,	274
Approval of,	275
CLERKS, CHIEF AND ASSISTANTS, resolution of thanks to,	267

	Page
COLUMBIA RIVER, memorial for road to. (<i>See National Road.</i>)	
COMLY, H. B. Member of House.	
Took oath of office,	7
Motions by, 8, 12, 36, 40, 41, 51, 57, 63, 72, 73, 91, 92, 93, 94, 97, 100, 108, 115, 116, 119, 121, 124, 131, 135, 140, 145, 147, 161, 165, 166, 167, 168, 169, 173, 174, 176, 192, 193, 215, 218, 229, 233, 234, 235, 236, 238, 241, 243, 246, 248, 252, 253, 255, 256, 260, 260, 266.	
Nominations by,	9
Offers resolutions, 13, 14, 33, 34, 37, 77, 266	
Appointment of, on Committees, 13, 14, 30, 60, 63, 80, 89, 108, 121, 124, 127, 135, 141, 145, 201, 237.	
Submits reports, 31, 58, 61, 64, 73, 74, 79, 83, 85, 88, 102, 110, 111, 122, 125, 129, 130, 141, 148, 157, 159, 177, 190, 205, 206, 218, 226, 234, 239, 246, 248, 255.	
Gives notice of bills, 37, 43, 46, 92, 158, 191	
Introduced bills, 56, 75, 84, 89, 149, 165, 183, 203, 227, 237	
COMMITTEE.	
<i>Standing</i> , list of,	30
<i>On Ways and Means</i> , members of,	30
House Bill No. 1 referred to,	37
House Bill No. 3 referred to,	39
House Bill No. 6 referred to,	39
House Bill No. 12 referred to,	56
House Joint Resolution referred to,	62
House Bill No. 25 referred to,	81
Report back House Joint Resolution No. 2,	95
Report of, on House Bill No. 16,	117
House Bill No. 49 referred to,	148
House Joint Resolution No. 3 referred to,	149
House Bill No. 52 referred to,	152
Report of, on House Bill No. 12,	154
Report of, on House Bill No. 49,	154
Report of, on House Bill No. 40,	155
Report Substitute for House Bill No. 1,	163
House Bill No. 60 referred to,	180
House Bill No. 59 referred to,	180
Council Joint Resolution No. 7 referred to,	195
Report of, on House Joint Resolution No. 3,	197
House Bill No. 68 referred to,	210
Report of, on Council Joint Resolution No. 7,	211
Report of, on House Bill No. 60,	211
Report of, on House Bill No. 68,	212
Report of, on House Bill No. 25,	212
House Joint Resolution No. 5 referred to,	222
Report Substitute for House Joint Resolution No. 5,	223
Report of, on House Bill No. 59,	223
Report of, on Council Concurrent Resolution No. 8,	239

COMMITTEE ON WAYS AND MEANS— *Continued.*

	Page
House Joint Resolution No. 8 referred to, . . .	260
Report Substitute for House Joint Resolution No. 8, . . .	261
Council Bill No. 46 referred to, . . .	271
<i>On Judiciary</i> , members of, . . .	30
House Bill No. 4 referred to, . . .	39
Report of, on House Bill No. 4, . . .	42
House Bill No. 8 referred to, . . .	43
House Bill No. 9 referred to, . . .	43
Council Bill No. 7 referred to, . . .	45
Report of, on House Bill No. 8, with amendments, . . .	48
Report of, on House Bill No. 10, with amendments, . . .	48
Report of, on House Bill No. 7, . . .	49
Report of, on House Bill No. 9, with amendments, . . .	49
Report of, on Council Bill No. 10, . . .	52
Council Bill No. 4, and amendments, referred to, . . .	53
Report of, on Council Bill No. 4, . . .	54
House Bill No. 13 referred to, . . .	56
House Bill No. 17 referred to, . . .	56
House Bill No. 16 referred to, . . .	56
House Bill No. 14 referred to, . . .	65
Report of, on House Bill No. 13, . . .	68
Report of, on House Bill No. 14, . . .	69
Report of, on House Bill No. 17, . . .	69
House Bills Nos. 20 and 22 referred to, . . .	72
House Bill No. 18 referred to, . . .	72
Report of, on House Bill No. 18, . . .	74
Council Bill No. 17 referred to, . . .	76
Report of, on House Bill No. 18, . . .	77
Report of, on House Bill No. 20, . . .	78
Report of, on House Bill No. 20, . . .	79
Report of, on Council Bill No. 17, . . .	80
Report of, on House Bill No. 22, . . .	80
House Bill No. 26 referred to, . . .	81
Report of, on House Bill No. 26, . . .	85
Report of, on House Bill No. 24, . . .	85
Council Bill No. 3 referred to, . . .	89
Report of, on House Bill No. 28, . . .	95
Report of, on Council Bill No. 3, . . .	95
Report of, on House Bill, No. 31, . . .	101
Council Bill No. 23 referred to, . . .	112
Council Bill No. 24 referred to, . . .	112
Report of, on Council Bill No. 24, . . .	117
House Bill No. 36 referred to, . . .	123
Report of, on House Bill No. 36, . . .	129
Report of, on Council Bill No. 23, . . .	129
House Bill No. 38 referred to, . . .	130
House Bill No. 39 referred to, . . .	130

COMMITTEE ON JUDICIARY — *Continued.*

	Page
Portion of Governor's Message referred to,	134
House Bill No. 43 referred to,	140
Report of, on House Bill No. 43,	142
House Bill No. 48 referred to,	148
Report of, on House Bill No. 38,	149
House Bill No. 50 referred to,	149
Report of, on House Bill No. 35,	152
House Joint Memorial No. 6 referred to,	153
Report of, on House Bill No. 48,	155
Report of, on House Bill No. 50,	156
House Bill No. 54 referred to,	158
House Bill No. 55 referred to,	159
House Bill No. 58 referred to,	166
House Bill No. 54 referred to,	166
Report of, on House Bill No. 55,	177
Report of, on House Bill No. 54,	178
House Bill No. 63 referred to,	187
Report of, on House Bill No. 63,	188
Report of, on House Bill No. 51,	212
House Bill No. 71 referred to,	214
House Bill No. 67 referred to,	214
Report of, on House Bill No. 67,	223
Report Substitute for House Bill No 71,	224
Report of, on House Joint Resolution No. 4,	224
Report of, on House Bill No. 73,	227
Report of, on Council Bill No. 25,	235
Council Bill No. 40 referred to,	238
Report of, on Council Bill No. 40,	239
<i>On Internal Improvements.</i>	
Members of,	30
House Bill No. 15 referred to,	56
Report of, on House Bill No. 15,	61
<i>On Public Lands.</i>	
Members of,	30
Resolution requesting them to prepare memorial to Congress for survey,	43
<i>On Education.</i>	
Members of,	30
House Bill No. 2 referred to,	37
Report Substitute for House Bill No. 2,	52
Part of Governor's Message referred to,	134
Report of, on part of said Message,	156
House Bill No. 64 referred to,	214
Report of, on House Bill No. 64,	220
<i>On Federal Relations.</i>	
Members of,	30
Oregon Resolution referred to,	66

COMMITTEE ON FEDERAL RELATIONS—*Continued.*

	Page
Report of, on same,	67
Part of Governor's Message referred to,	134
Report of, on same,	178
<i>On Incorporations.</i>	
Members of,	30
House Bill No. 21 referred to,	62
Report of, on House Bill No. 21,	64
Report of, on House Bill No. 21,	74
House Bill No. 29 referred to,	89
Report of, on House Bill No. 29,	101
Council Bill No. 18 referred to,	125
Report of, on Council Bill No. 18,	139
House Bill No. 65 referred to,	188
Report of, on House Bill No. 65,	195
<i>On Agriculture.</i>	
Members of,	30
House Bill No. 11 referred to,	54
Report of, on same,	61
House Bill No. 23 referred to,	77
Report of, on House Bill No. 23,	80
Council Bill No. 22 referred to,	116
Report of, on Council Bill No. 22,	117
House Joint Memorial No. 4 referred to,	118
<i>On Elections.</i>	
Members of,	30
House Bill No. 27 referred to,	86
Report of, on same,	88
House Bill No. 56 referred to,	161
House Bill No. 57 referred to,	166
<i>On Indian Affairs.</i>	
Members of,	30
House Joint Resolution No. 1 referred to,	54
Report of, on House Joint Resolution No. 1,	55
House Joint Memorial No. 3 referred to,	97
Petition in relation to Indian children referred to,	101
Part of Governor's Message referred to,	134
Report of, on House Joint Memorial No. 3,	136
House Bill No. 53 referred to,	158
Report of, on House Bill No. 53,	178
House Bill No. 69 referred to,	213
Report of, on House Bill No. 69,	223
<i>On Mines and Minerals.</i>	
Members of,	30
House Bill No. 5 referred to,	39
Report back House Bill No. 5, with amendments,	47
Resolution adding Mr. Kerly to,	52
Part of Governor's Message referred to,	134

COMMITTEE ON MINES AND MINERALS — *Continued.*

	Page
House Bill No. 61 referred to,	180
Report of, on House Bill No. 52,	191
Report of, on House Bill No. 41,	225
Report of, on House Bill No. 61,	225
<i>On Towns and Counties.</i>	
Members of,	30
Petition in relation to boundaries of Gallatin and Jefferson counties referred to,	88
Majority report of, on change of boundaries of Gallatin and Jefferson counties,	102
Minority report on same,	109
<i>On Enrollment.</i>	
Members of,	30
Report House Bill No. 2 and House Bill No. 15 enrolled,	80
Report House Bill No. 2 and House Bill No. 15 presented to Governor,	95
Report of, on House Bills Nos. 8, 9, 10, 23, 27,	117
Report House Bills Nos. 8, 9, 10, 23, and 27, handed to Governor,	122
Report of, on House Bill No. 33, House Joint Memorial No. 1, and House Joint Memorial No. 5,	137
Report House Bill No. 19 enrolled,	154
Report House Bill No. 21 enrolled,	177
Report House Bills Nos. 21 and 44 handed to Governor,	185
Report sundry Memorials and Bills enrolled,	209
Report sundry Memorials and Bills handed to Governor,	212
Report House Bill No. 38 enrolled,	223
Report sundry Bills and Memorials enrolled,	249
Report sundry Bills and Resolutions enrolled, etc.,	267
Report House Joint Resolutions Nos. 7 and 8 enrolled,	270
Report of, on sundry Bills, etc.,	271
Report House Bill No. 84, House Joint Resolution No. 11, and House Joint Resolution No. 9, enrolled,	274
<i>On Printing.</i>	
Members of,	30
House Bill No. 7 referred to,	43
House Bill No. 14 referred to,	56
House Bill No. 20 referred to,	62
Report House Bill No. 14 printed,	64
House Bill No. 23 referred to,	70
House Joint Memorial referred to,	71
Report sundry bills, etc., printed,	74
Report of, on House Bill No. 24,	80
Report of, on House Bill No. 16,	83
Report of, on House Bill No. 28,	90
House Bill No. 34 referred to,	111
Report House Bill No. 34 printed,	121

COMMITTEE ON PRINTING — *Continued.*

Page

Report House Bill No. 36 printed,	122
Report of, relative to printing Treasurer's report,	153
Report House Bill No. 47 printed,	154
Report House Bill No. 51 printed,	165
Report House Bill No. 64 printed,	211

On Finance.

Members of,	30
Treasurer's report referred to,	36
Report of, on Treasurer's report,	109
Portion of Governor's Message referred to,	134
Report of, on part of Governor's Message,	177

On Engrossment.

Members of,	30
Report House Bill No. 9 engrossed,	57
Report House Bill No. 5 engrossed,	58
Report House Bill No. 8 engrossed,	61
Report House Bill No. 11 engrossed,	64
Report House Bill No. 8 engrossed,	74
Report House Bills Nos. 18 and 23 engrossed,	85
Report House Bill No. 19 engrossed,	88
Report substitute for Council Bill No. 4 engrossed,	102
Report House Bill No. 28 engrossed,	110
Report House Bill No. 16 engrossed,	129
Report House Bill No. 34 engrossed,	125
Report House Bills Nos. 37 and 43 engrossed,	148
Report House Bills Nos. 30, 38 and 39 engrossed,	177
Report House Bill No. 12 engrossed,	206
Report House Bill No. 60 engrossed,	226
Report House Bill No. 67 engrossed,	234
Report House Bill No. 64 engrossed,	246
Report House Bill No. 79 engrossed,	248
Report House Bill No. 79 engrossed,	255

On Roads and Highways.

Members of,	30
House Bill No. 19 referred to,	72
Report of, on House Bill No. 19,	78
House Bill No. 30 referred to,	96
Report of, on House Bill No. 30,	101
Council Bill No. 20 referred to,	116
Part of Governor's Message referred to,	134
Report of, on Council Bill No. 20,	137

On Territorial Affairs.

Members of,	30
House Bill No. 37 referred to,	128
Part of Governor's Message referred to,	134
Report of, on House Bill No. 37,	141

COMMITTEE ON TERRITORIAL AFFAIRS — *Continued.*

Page

Report of, on Insane Asylum, etc.,	190
<i>Of the Whole.</i>	
Resolution relative to divorces referred to,	39
House Bill No. 5 referred to,	47
Report of, on House Bill No. 5,	51
Council Bill No. 4 referred to,	58
Report of, on same,	59
House Bill No. 7 referred to,	62
Report of, on same,	63
House Bill No. 11 referred to,	65
Report of, on same,	66
House Bill No. 13 referred to,	73
Report of, on same,	73
House Bill No. 18 considered by,	79, 81
Report of, on same,	83
Consider Council Bill No. 4,	84
Report of, on Council Bill No. 4,	87
Governor's Message considered by,	94, 113
Consideration of Council Bill No. 3, by,	108
Report of, on same,	111
Council Bill No. 11 referred to,	112
House Bill No. 16 considered by,	121
Report of, on House Bill No. 16,	125
Consider Council Bill No. 11,	127
Report of, on Council Bill No. 11,	130
Report of, on Governor's Message,	133
House Bill No. 30 considered by,	161
Report of, on House Bill No. 30,	165
Consideration of House Bill No. 47,	176
House Bills Nos. 1, 12 and 40 considered by,	184
Report of, on House Bills, Nos. 12, 40, and 47,	193
Consider House Bills Nos. 1, 12, and 47, and Council Bill No. 5,	201
Report of, on House Bill No. 12,	203
Report of, on House Bill No. 1,	205
Consider Council Bill No. 5,	209
Report of, on same,	217
Report of, on House Bill No. 47,	219
Consider House Bill No. 64,	220
Consider House Bill No. 64,	222
Report of, on House Bill No. 64,	232

COMMITTEE, SPECIAL.

On House Bill No. 19.

Reference to,	79
Report of,	85

COMMITTEE, SPECIAL — *Continued.*

Page

On Credentials.

Appointment of,	5
Report of,	6

To wait on Governor.

Appointment of,	7
Report of,	7
Second report of,	42
Reappointment of,	272

To inform Council of Organization.

Appointment of,	13
-----------------	----

On Newspapers.

Appointment of,	13
Report of,	31

Second, on Newspapers.

Appointment of,	89
Report of,	95

On Rules.

Report of,	31
------------	----

On Council Bill No. 4.

Appointment of,	59
Report substitute,	62
Granted leave to withdraw report,	65
Report of,	75

On House Bill No. 8.

Reference to,	63
Report of,	70

On House Bill No. 7.

Reference to,	64
Report of,	69

On House Bill No. 32.

Appointment of,	105
Report of,	186

On House Bill No. 33.

Reference to,	108
Report of,	111

On House Bill No. 34.

Reference to,	121
Report of,	122

Second, on House Bill No. 34.

Appointment of,	213
Report of,	218

On Council Bill No. 5.

Reference to,	116
Report of,	198

On Oregon Resolution.

Report of,	118
------------	-----

COMMITTEE, SPECIAL — *Continued.*

<i>On House Joint Memorial No. 2.</i>	Page
Appointment of,	124
Report of,	130
<i>On School Law.</i>	
Appointment of,	127
Report of,	187
<i>On House Bill No. 30.</i>	
Appointment of,	135
Report of,	159
<i>On Petition in relation to County Seat of Jefferson County.</i>	
Appointment of,	136
<i>On Election Law.</i>	
Appointment of,	139
<i>On House Bill No. 37.</i>	
Reference to,	141
Report of,	143
<i>On House Bill No. 45.</i>	
Appointment of,	144
Report of,	226
<i>On House Bill No. 46.</i>	
Reference to,	144
Report of,	151
<i>On House Bill No. 60.</i>	
Reference to,	160
<i>On House Bill No. 47.</i>	
Reference to,	160
Report of,	175
<i>On House Bill No. 40.</i>	
Appointment of,	161
Majority report of,	164
Minority report of,	164
<i>On House Bill No. 12.</i>	
Appointment of,	160
Report of,	163
<i>To draft Memorial for Penitentiary.</i>	
Appointment of,	179
<i>On House Bill No. 53.</i>	
Reference to,	181
Report of,	189
<i>On Council Bill No. 31.</i>	
Appointment of,	201
Report of,	206
<i>On House Bill No. 66.</i>	
Appointment of,	201
Report of,	212

COMMITTEE, SPECIAL— *Continued.*

<i>On House Joint Resolution No. 3.</i>	Page
Reference to,	201
Report of,	205
<i>On Council Bill No. 32.</i>	
Reference to,	214
Report of,	226
<i>On House Bill No. 76.</i>	
Appointment of,	228
<i>On House Bill No. 41.</i>	
Appointment of,	229
Report of,	234
Reference to,	245
<i>On House Bills Nos. 41 and 76.</i>	
Appointment of,	236
Report of,	236, 245
<i>On Council Bill No. 26.</i>	
Appointment of,	237
<i>On House Bill No. 79.</i>	
Appointment of,	237
<i>On Council Bill No. 27.</i>	
Appointment of,	244
Report of,	247
<i>On Council Joint Resolution No. 8.</i>	
Appointment of,	243
<i>On Council Joint Resolution No. 4.</i>	
Appointment of,	244
Report of,	249
<i>On House Joint Resolution No. 6.</i>	
Reference to,	249
<i>To examine Arms, etc.</i>	
Appointment of,	254
Report of,	259
<i>On Council Bill No. 43.</i>	
Reference to,	257
<i>On Council Bill No. 29.</i>	
Reference to,	257
<i>On Council Bill No. 37.</i>	
Reference to,	258
Report of,	260
<i>To examine Books of Auditor and Treasurer.</i>	
Report of,	266, 270

COMMITTEE OF CONFERENCE.

<i>On House Bill No. 19.</i>	
Appointment of,	124
Report of,	129

COMMITTEE OF CONFERENCE—*Continued.*

<i>On House Joint Memorial No. 2.</i>	Page
Reference to,	145
Report substitute for Memorial,	157
<i>On House Bill No. 26.</i>	
Appointment of,	174
Report of,	185
<i>On House Bill No. 16.</i>	
Appointment of,	226
<i>On House Bill No. 12.</i>	
Report of,	258

COOPER, ANDREW. Member of House.

Took oath of office,	7
Motion by,	51
Appointment of, on Committees,	30, 63
Submits reports,	78, 101, 137

COOLEY, W. A.

Nominated for Doorkeeper,	11
-------------------------------------	----

CORPORATION LAW.

Governor's Message on,	17
----------------------------------	----

CORPORATIONS, an act to provide for formation of, (C. B. 18.)

Read first and second time,	125
Referred to Committee on Incorporations,	125
Report of Committee on,	139
Read third time,	147
Passed,	147

CORPORATIONS, an act to provide for the formation of, (H. B. 29.)

Read first and second time,	89
Referred to Committee on Incorporations,	89
Report of Committee on,	101
Report of Committee adopted,	105
Read third time,	105
Passed,	105
Resolution relative to action of Council on,	140

COSTS, an act in relation to, (H. B. 28.)

Read first and second time,	86
Ordered printed,	86
Referred to Judiciary Committee,	90
Report of Committee on,	95
Amended,	107
Read third time,	113
Passed,	113
Council substitute agreed to,	263
Approval of,	273

COUCH, W. H., an act to provide compensation for, (H. B. 25.)	Page
Read first and second time,	81
Resolution relative to, lost,	81
Referred to Committee on Ways and Means,	81
Resolution in relation to,	86
Report of Committee on,	212
Indefinitely postponed,	215
COUGHLIN, TIM.	
Appointed Fireman,	6
COUNCIL DISTRICTS. (<i>See Districts.</i>)	
COUNCIL BILLS. (<i>See Bills.</i>)	
COUNSELORS AT LAW. (<i>See Attorneys.</i>)	
COUNTY OF MISSOULA. (<i>See Missoula County.</i>)	
COUNTY OF JEFFERSON. (<i>See Jefferson County.</i>)	
COUNTY OF GALLATIN. (<i>See Gallatin County.</i>)	
COUNTY OF DAWSON. (<i>See Dawson County.</i>)	
COUNTIES AND COUNTY OFFICERS, an act to amend an act relating to, (H. B. 37.)	
Read first and second time,	128
Referred to Committee on Territorial Affairs,	128
Report of Committee on,	141
Amended,	141
Referred to Special Committee,	141
Amendments of Committee adopted,	146
Read third time,	150
Passed,	150
Approval of,	221
COUNTIES AND COUNTY OFFICERS, an act to amend an act relating to, (H. B. 58.)	
Read first and second time,	166
Referred to Judiciary Committee,	166
COUNTY OFFICERS. (<i>See Counties, etc.</i>)	
COUNTIES, an act to amend an act defining boundary lines of, (H. B. 70.)	
Read first and second time,	213
Read third time,	213
Passed,	213
COUNTY CLERKS, an act to legalize certain acts of, (H. B. 48.)	
Read first and second time,	148
Referred to Judiciary Committee,	148
Report of Committee on,	155
Read third time,	160
Passed,	1

COUNTY CLERKS, an act authorizing them to administer oaths, etc.,

(C. B. 23.)

	Page
Read first and second time,	112
Referred to Judiciary Committee,	112
Report of Committee on,	129
Amended,	131
Read third time,	131
Passed,	131

COUNTY TREASURERS, an act to amend an act defining duties of,

(H. B. 68)

Read first and second time,	210
Referred to Committee on Ways and Means,	210
Report of said Committee on,	212
Amended,	215
Read third time,	215
Passed,	215
Approval of,	262

COURTS, PROCEEDINGS IN. (*See Civil Cases.*)

CRIMES AND PUNISHMENTS, an act to repeal certain sections of an act concerning, (H. B. 39.)

Read first and second time,	130
Referred to Judiciary Committee,	130

CRIMES AND PUNISHMENTS, an act to amend an act concerning, (H. B. 54.)

Read first and second time,	158
Referred to Judiciary Committee,	158, 166
Report of Committee on,	178
Read third time,	180
Passed,	180
Approval of,	262

CRIMES AND PUNISHMENTS, an act to amend section 5 of an act concerning, (H. B. 55.)

Read first and second time,	159
Referred to Committee on Judiciary,	159
Report of Committee on,	177
Read third time,	181
Passed,	181

CROW INDIANS, Memorial in relation to treaty with, (H. J. M. No. 3.)

Read first and second time,	97
Referred to Committee on Indian Affairs,	97
Report of Committee on,	136
Read third time,	140
Passed,	140
Council substitute for, adopted,	195
Approval of,	221

DARLEY, MASTER.		Page
Elected Page,		12
Took oath of office,		12
 DAVIS & THOROUGHMAN, resolution for the relief of, (C. J. R. 7.)		
Read first and second time,		195
Referred to Committee on Ways and Means,		195
Report of Committee on,		211
Read third time,		214
Passed,		214
 DAWSON COUNTY, an act establishing, etc., (H. B. 83.)		
Read first and second time,		256
Read third time,		256
Passed,		256
Amendments of Council concurred in,		269
Approval of,		273
 DEBT OF TERRITORY, an act to amend an act to provide for funding of, (C. B. 33.)		
Read first and second time,		213
Read third time,		213
Passed,		213
 DEER LODGE COUNTY. See Marlison County, (C. B. 31.) See D. P. Newcomer, (H. B. 74.)		
 DEER LODGE COUNTY, an act concerning probate court of, (C. B. 7.)		
Read first and second time,		45
Referred to Judiciary Committee,		45
Report of Committee on,		49
Report of Committee adopted,		51
Read third time,		51
Passed,		51
 DEER LODGE COUNTY, an act to authorize commissioners of, to levy tax, (C. B. 32.)		
Read first and second time,		214
Referred to Special Committee,		214
Report of Committee on,		226
Amended,		230
Read third time, and lost,		230
 DEER LODGE COUNTY, Members from.		
House Bill No. 74 referred to,		219
 DEER LODGE COUNTY, an act authorizing levy of special tax on, (H. B. 78.)		
Read first and second time,		236
Read third time,		236
Passed,		236
Approval of,		262

DEMOCRAT, Proprietor of.	Page
Resolution of thanks to,	84
DIAMOND CITY WAGON ROAD. (<i>See El Dorado.</i>)	
DISTRICT COURTS, appeals to. (<i>See Probate Courts.</i>)	
DISTRICT MINING LAW.	
Governor's Message relative to,	24
DISTRICT ATTORNEY, an act to amend an act creating office of, (H. B. 67.)	
Read first and second time,	210
Referred to Judiciary Committee,	214
Report of committee on,	223
Amendments of Judiciary Committee adopted,	228
Read third time,	234
Passed,	234
Approval of,	270
DISTRICTS, COUNCIL AND REPRESENTATIVE, an act to amend an act defining, (C. B. 42.)	
Read first and second time,	263
Read third time,	263
Passed,	263
DIVORCES.	
Resolution relative to applications for,	32
Substitute for resolution reported,	41
Substitute adopted,	41
Vote adopting, reconsidered,	51
DONEGAN, JOHN. Member of House.	
Took oath of office,	7
Motions by, 7, 15, 29, 39, 47, 56, 57, 79, 115, 126, 159, 165, 168, 193, 194, 219, 229, 231, 245, 251, 261.	
Offers Resolutions,	14, 15, 138, 173, 254
Appointed on Committees,	5, 30, 64, 71, 139, 201, 228, 229, 244, 254
Submits reports,	6, 63, 102, 206, 259
Gives notice of bills,	31, 60, 108, 127, 158, 166, 252
Introduced bills,	37, 62, 71, 153, 166, 180, 191, 201, 210, 214, 260
EL DORADO AND DIAMOND CITY WAGON ROAD, an act to repeal an act to re-enact an act to incorporate, (C. B. 1.)	
Read first and second time,	44
Amended,	45
Read third time,	45
Passed,	45
Title amended,	45

ELECTIONS, an act to amend an act concerning, (H. B. 27.)	Page
Read first and second time,	86
Referred to Committee on Elections,	86
Read third time,	91
Passed,	91
Approval of,	145
ELECTION LAW.	
Resolution for the appointment of Committee on,	138
ELLIS, J. M. Member of House.	
Took oath of office,	7
Motions by, 29, 53, 90, 108, 133, 134, 150, 151, 183, 184, 195, 200, 201, 204, 213, 215, 216, 234, 241, 253, 264, 267, 270.	
Offers resolutions,	106, 179, 267, 272
Appointment of, on committees, 30, 38, 63, 77, 79, 108, 116, 124, 144, 160, 161, 179, 272.	
Submits reports, 67, 85, 102, 118, 125, 133, 151, 164, 178, 198, 203, 205, 217, 219, 221, 225, 232, 249.	
Gives notice of bills,	31, 38, 39, 55, 96, 138
Introduced bills,	39, 43, 56, 108, 144, 249
ESTIS, SIMEON. Member of House.	
Took oath of office,	7
Appointment of, on committees,	30, 79
Gave notice of bill,	138
Introduced bill,	227
EXECUTORS, WILLS, ETC.	
Governor's Message on,	18
EXECUTORS AND ADMINISTRATORS, an act to amend an act relating to, (H. B. 18.)	
Read first and second time,	62
Ordered printed,	62
Referred to Committee on Judiciary,	72
Report of Committee on,	74
Referred to Committee of the Whole,	76
Report of Judiciary Committee on,	77
Referred to Committee of the Whole,	79
Again considered by said Committee,	81
Committee of the Whole report amendments to,	83
Amendments adopted,	83
Read third time,	87
Lost,	87
FARMINGTON, an act to change name of town of, (H. B. 44.)	
Read first and second time,	141
Read third time,	141
Passed,	141
Approval of,	207

FEDERAL OFFICERS. (<i>See Legislative and Federal Officers.</i>)	Page
FINDLAY, R. K. Member of House.	
Took oath of office,	7
Nomination by,	10
Appointed on Committee,	30
FINDLAY, ROBERT K. AND ELIZABETH, an act to divorce, (C. B. 37.)	
Read first and second time,	258
Referred to Special Committee,	258
Report of Committee on,	260
Read third time,	261
Lost,	262
FIREARMS. (<i>See Ardent Spirits.</i>)	
FIRES, an act relating to and for the protection of trees and grasses, (H. B. 10.)	
Read first and second time,	43
Referred to Judiciary Committee,	43
Report of Committee on,	48
Amendments to, adopted,	50
Ordered to third reading,	50
Read third time,	71
Passed,	71
Approval of,	145
FORT BENTON, memorial for road from. (<i>See National Road.</i>)	
FORT ELLIS, military road to. (<i>See Military Road.</i>)	
FUGITIVES FROM JUSTICE.	
Governor's Message relative to,	20
FUGITIVES FROM JUSTICE, an act to amend an act concerning, (H. B. 63.)	
Read first and second time,	187
Referred to Committee on Judiciary,	187
Report of Committee on,	188
Read third time,	188
Passed,	188
Council amendments concurred in,	264
GALLAHER'S FERRY, an act to declare road from, to Helena, a public highway, (H. B. 77.)	
Read first and second time,	228
Read third time,	228
Passed,	228

GALLATIN AND JEFFERSON COUNTIES, petition in relation to boundaries of.	Page
Referred to Committee on Towns and Counties,	88
Majority report of Committee on,	102
Minority report of Committee on,	109
GALLATIN COUNTY, an act to make sheriff of, ex officio treasurer, (H. B. 45.)	
Read first and second time,	144
Referred to Special Committee,	144
Report of Committee on,	226
Amended,	229
Read third time,	241
Passed,	241
GEOLOGICAL SURVEY.	
Governor's Message on,	22
GEOLOGICAL SURVEY, memorial in relation to, (C. J. M. 2.)	
Read first and second time,	145
Referred to Committee on Mines and Minerals,	145
Report of Committee on,	152
Read third time,	152
Passed,	152
GOLD AND SILVER QUARTZ LODS, an act to amend an act relating to discovery of, (H. B. 41.)	
Read first and second time,	138
Referred to Committee on Mines and Minerals,	138
Report of Committee on,	225
Referred to Special Committee,	229
Report of Special Committee on,	236
Substitute reported for,	245
Bill and substitute referred to Special Committee,	245
Committee report substitute for the substitute for,	251
Substitute for original bill indefinitely postponed,	251
Substitute for substitute adopted,	251
GOLD AND SILVER QUARTZ LODS, an act repealing part of section 6 of an act relating to discovery of, (C. B. 41.)	
Read first and second time,	238
Read third time,	238
Passed,	238
GOLD AND SILVER QUARTZ LODS, an act to amend an act relating to discovery of, (H. B. 76.)	
Read first and second time,	228
Referred to Special Committee,	228
Report of Special Committee on,	236
Again referred to Special Committee,	236
Report of Committee on,	245
Bill indefinitely postponed,	245

GOVERNOR, MESSAGES FROM.

	Page
Relative to Auditor and Treasurer,	16
To California Practice Act,	17
To payment of jurors, etc.,	17
To corporation law,	17
To executors, wills, etc.,	18
To legislative and federal officers,	18
To attachment law,	18
To limitation law,	18
To jurors,	18
To school law,	18
To University of Montana,	19
To fugitives from justice,	20
To quartz and placer mining,	20
To Historical Society,	21
To geological survey,	22
To railroads,	22
To immigration,	23
To biennial sessions,	24
To district mining law,	24
To Indian treaties,	25
To penitentiary,	26
To Russian purchase,	26
To presidential election,	28
To "past and present,"	28
Announcing appointment of Private Secretary,	34
Relative to memorials to Congress,	46
Approving H. B. No. 2,	112
Approving H. B. No. 15,	113
Approving House Bills Nos. 8, 9, 10, 23 and 27,	145
Approving H. J. M. No. 1, H. J. M. No. 5, and H. B. No. 33,	16
Approving H. B. No. 19,	181
Approving House Bills Nos. 21 and 44,	207
Approving sundry bills and memorials,	221
Approving H. B. No. 38,	245
Approving H. C. R. No. 3,	258
Approving sundry bills, etc.,	262
Approving House Bills Nos. 16 and 72,	265
Approving H. B. No. 74,	268
Approving sundry bills, etc.,	269
Approving H. B. No. 83, and H. J. M. No. 80,	273
Approving H. B. No. 28, and H. C. R. No. 9,	273
Approving H. J. R. No. 9, and H. J. R. No. 11,	275

GOVERNOR, an act concerning compensation of, (H. B. 84.)

Read first and second time,	266
Read third time,	266
Passed,	266
Council substitute for, adopted,	274

GRAIN, an act to fix rate of toll for grinding, (H. B. 11.)	Page
Read first and second time,	54
Referred to Committee on Agriculture,	54
Report of Committee on,	61
Considered by Committee of the Whole,	65
Report of Committee of the Whole on,	66
Read third time,	66
Lost,	66
GRASSES. (<i>See Fires.</i>)	
GREEN, S. B., resolution for the relief of, (C. J. R. 10.)	
Read first and second time,	268
Read third time,	268
Passed,	268
HAMILTON, WILLIAM AND MARY, an act to divorce, (C. B. 29.)	
Read first and second time,	257
Referred to Special Committee,	257
HASKELL, E. W., an act to authorize issue of duplicate warrant to, (H. B. 49.)	
Read first and second time,	148
Referred to Committee on Ways and Means,	148
Report of Committee on,	154
Amended,	161
Read third time,	183
Passed,	183
Approval of,	262
HASLEP, R. E., resolution for the relief of, (C. J. R. 11.)	
Read first and second time,	269
Read third time,	269
Passed,	269
HEDGES, ROBERT. (<i>See Toll Road.</i>)	
HELENA, Road to. (<i>See Gallaher's Ferry.</i>)	
HELENA, Arsenal at. (<i>See Arsenal.</i>)	
HELENA, memorial for construction of road from Box Elder to, (H. J. M. 7.)	
Read first and second time,	227
Read third time,	227
Passed,	227
HICKS, J. H. Member of House.	
Took oath of office,	7
Motions by,	195, 204, 247
Offers resolution,	184
Appointment of, on Committees,	14, 30, 77, 160, 201, 219, 237
Submits report,	247

HICKS, J. H. Member of House — <i>Continued.</i>	Page
Gives notice of bill,	81
Introduced bills,	70, 77, 86, 96, 236
HIGHWAYS, PUBLIC, an act in relation to, (H. B. 19.)	
Read first and second time,	62
Ordered printed,	62
Referred to Committee on Roads and Highways,	72
Report of Committee on,	78
Referred to Special Committee,	79
Report of Special Committee on,	85
Amendments of Special Committee adopted,	88
Read third time,	89
Passed,	89
Appointment of Conference Committee on,	124
Report of same Committee,	129
Report of Conference Committee adopted,	132
Approval of,	181
HIGLEY, C. W. Member of House.	
Took oath of office,	7
Motions by,	5, 7, 126, 174, 194
Nominations by,	7, 10
Appointment of, on Committees,	30, 79, 136, 144, 160, 161, 174
Submits reports,	109, 234
Gave notice of bills,	32, 37, 79
Introduced bills,	56, 70, 81, 191, 214
HISTORICAL SOCIETY, Governor's Message on,	21
HISTORICAL SOCIETY, memorial asking for appropriation for, (H. J. M. No. 8.)	
Read first and second time,	249
Read third time,	249
Passed,	249
Approval of,	273
HOLT, L. O.	
Nominated for Doorkeeper,	11
Elected,	11
Took oath of office,	12
HOMESTEADS, an act to provide for exemption of, (C. B. 3)	
Read first and second time,	89
Referred to Committee on Judiciary,	89
Report of Committee on,	95
Considered by Committee of the Whole,	108
Report of Committee of the Whole on,	111
Amended,	120
Read third time,	120
Passed,	120
HOSPITAL AND INSANE ASYLUM. (<i>See Insane Asylum.</i>)	

HOT SPRINGS SCHOOL DISTRICT, an act for relief of, (H. B. 2.)	Page
Read first and second time,	37
Referred to Committee on Education,	37
Report of Committee on,	52
Substitute for, adopted,	53
Read third time,	53
Passed,	53
HOUSE BILLS. (<i>See Bills.</i>)	
HOWE, JOHN, resolution to pay for treasury safe, (C. J. R. 6.)	
Read first and second time,	195
Read third time,	195
Passed,	195
INDIAN TREATIES.	
Governor's Message relative to,	25
INDIAN CHILDREN.	
Petition in relation to, presented,	101
Referred to Committee on Indian Affairs,	101
INSANE ASYLUM, ETC.	
Petition for establishment of, presented,	154
Referred to Committee on Territorial Affairs,	154
Report of said Committee on,	190
IN A ASYLUM AND HOSPITAL, an act to establish, (H. B. 47.)	
Read first and second time,	148
Referred to Special Committee,	160
Report of Special Committee on,	175
Considered by Committee of the Whole,	176
Report of Committee of the Whole on,	193
Again referred to Committee of the Whole,	201
Report of said Committee on,	219
Indefinitely postponed,	241
INTOXICATING LIQUORS, an act to repeal an act to prevent sale of, to soldiers, (H. B. 46.)	
Read first and second time,	144
Referred to Special Committee,	144
Report of Committee on,	151
Read third time,	151
Passed,	151
Approval of,	221
INTOXICATING LIQUORS, an act to amend an act to prevent sale of, to Indians, (H. B. 69.)	
Read first and second time,	213
Referred to Committee on Indian Affairs,	213
Report of Committee on,	223
Read third time,	230
Passed,	230

JEFFERSON COUNTY, boundaries of. (*See Gallatin County.*)

JEFFERSON COUNTY, an act to legalize records of, (H. B. 26.)	Page
Read first and second time,	81
Referred to Committee on Judiciary,	81
Report of Committee on,	85
• Read third time,	86
Passed,	86
Appointment of Conference Committee on,	174
Report of said Committee on,	185
Report adopted,	185
Council amendments concurred in,	195
Approval of,	220

JEFFERSON COUNTY, an act to amend an act to establish boundaries of,
(H. B. 32.)

Read first and second time,	105
Referred to Special Committee,	105
Report of Committee on,	186
Read third time,	194
Passed,	194

JEFFERSON COUNTY, Petition in relation to county seat of.

Referred to Special Committee,	136
--	-----

JEFFERSON COUNTY, an act to change county seat of, (H. B. 72.)

Read first and second time,	214
Referred to members from Jefferson county,	214
Report of Special Committee on,	234
Report of Mr. Stewart on,	239
Read third time,	241
Vote on,	242
Approval of,	265

JEFFERSON COUNTY, Members from.

House Bill No. 72, referred to,	214
Report of, on House Bill No. 72,	234

JOHNSON, H. J.

Nominated for Doorkeeper,	11
-------------------------------------	----

JUDGES. (*See Probate Judges.*)

JUDGES, an act to provide contingent fund for payment of, (C. B. 46.)

Read first and second time,	271
Referred to Committee of Ways and Means,	271

JURORS. (*See Officers.*)

JURORS, WITNESSES, ETC.

Governor's Message concerning payment of,	17
---	----

JURORS.

	Page
Governor's Message relative to drawing,	18

JURORS, an act to amend an act concerning, (C. B. 4.)

Read first and second time,	53
Referred to Judiciary Committee,	53
Report of Judiciary Committee on,	54
Report of Judiciary Committee on,	57
Report adopted,	57
Referred to Committee of the Whole,	58
Report of Committee of the Whole on,	59
Referred to Special Committee,	59
Special Committee report substitute for,	62
Special Committee granted leave to withdraw report,	65
Report of Special Committee on,	75
Considered by Committee of the Whole,	84
Report of Committee of the Whole on,	87
Bill amended,	87
Substitute for, read third time,	106
Passed,	106
Title amended,	106

JURORS, WITNESSES, ETC., an act to provide for payment of, (H. B. 13.)

Read first and second time,	56
Referred to Judiciary Committee,	56
Report of Judiciary Committee on,	68
Referred to Committee of the Whole,	73
Report of Committee of the Whole on,	73
Read third time,	73
Lost,	73

KERLY, J. C. Member of House.

Took oath of office,	7
Motions by, 8, 77, 116, 126, 184, 214	7, 8, 9
Nominations by,	54
Offers resolution,	54
Appointment of, on Committees, 8, 13, 30, 32, 179, 219	55, 64, 69, 74, 80, 83, 91, 121, 122, 153, 154, 165, 193, 211, 214.
Submits reports,	32, 166
Gives notice of bills,	138, 180
Introduced bills,	

LAWS, an act to provide for publication of, (H. B. 79.)

Read first and second time,	237
Referred to Special Committee,	237
Report of said Committee on,	247
Bill amended,	247
Substitute for, adopted,	252
Amended,	253
Read third time,	255
Passed,	255

LAWS, resolution to provide for correction of, (H. J. R. 11.)	Page
Read first and second time,	270
Read third time,	270
Passed,	270
Approved,	275
LEAD MINING, an act in relation to, (H. B. 52.)	
Read first and second time,	152
Referred to Committee on Ways and Means,	152
Report of Committee on,	191
Indefinitely postponed,	191
LEGAL DOCUMENTS, an act to amend an act to provide for publication of, (H. B. 7.)	
Read first and second time,	43
Referred to Committee on Printing,	43
Committee on Printing report substitute for,	55
Substitute for, adopted,	57
Made special order, etc.,	57
Report of Committee of the Whole on,	63
Referred to Special Committee,	64
Report of Special Committee on,	69
Read third time,	73
Lost,	73
LEGISLATIVE AND FEDERAL OFFICERS.	
Governor's Message in relation to,	18
LIBRARIAN, an act authorizing him to send for books, (H. B. 60.)	
Read first and second time,	180
Referred to Committee on Ways and Means,	180
Report of Committee on,	211
Amendments of Committee adopted,	214
Read third time,	229
Passed,	229
LICENSES, an act concerning, (C. B. 5.)	
Read first and second time,	116
Referred to Special Committee,	116
Report of Special Committee on,	198
Considered by Committee of the Whole,	201
Considered by Committee of the Whole,	209
Committee of the Whole agree on,	217
Report of Committee on,	217
Bill amended,	218
LIMITATION LAW.	
Governor's Message relative to,	18
LIMITATIONS, an act to amend an act concerning, (H. B. 31.)	
Read first and second time,	97

LIMITATIONS, an act, etc. — <i>Continued.</i>	Page
Referred to Judiciary Committee,	97
Report of Judiciary Committee on,	101
Read third time,	106
Passed,	106
LOVELL, W. Y.	
Nominated Enrolling Clerk,	10
LOVELL, W. Y. H. J. R. No. 5, for the relief of.	
Read first and second time,	222
Referred to Committee on Ways and Means,	222
Substitute for, adopted,	232
Read third time,	232
Passed,	232
Approval of,	262
LOWRY, M. P. Member of House.	
Took oath of office,	7
Motions by, 5, 108, 140, 147, 168, 173, 210, 216, 230, 247, 248, 253, 269.	
Appointment of, on Committees,	5, 30
Submits reports,	6, 55, 136
Gives notice of bills,	81, 148, 158
Introduced bills,	130, 158, 188, 210, 213, 245, 256, 260, 272
MADISON, DEER LODGE AND BEAVERHEAD COUNTIES, an act	
defining boundaries of, (C. B. 31.)	
Read first and second time,	201
Referred to Special Committee,	201
Report of Committee on,	206
Read third time,	20
Passed,	208
MAYHEW, A. E. Member of House.	
Took oath of office,	7
Motions by, 5, 7, 38, 71, 114, 120, 121, 135, 140, 142, 152, 153, 203, 248, 256, 261.	
Nominated for Speaker,	7
Elected,	8
Took oath of office,	12
Appointment of, on Committee,	7
Submits reports,	7
Offers resolutions,	43, 240
Gives notice of bills,	42, 113, 140, 141
Introduced bills,	119, 135, 151, 203
MASONIC FRATERNITY OF VIRGINIA CITY, an act for relief of,	
(H. B. 33.)	
Read first and second time,	108

MASONIC FRATERNITY OF VIRGINIA CITY, an act, etc. — <i>Continued.</i>		Page
Referred to Select Committee,	.	108
Report of Committee on,	.	111
Read third time,	.	112
Passed,	.	112
Approval of,	.	160
 McLAUGHLIN, JOHN. Member of House.		
Took oath of office,	.	7
Motions by, 5, 12, 31, 35, 47, 58, 63, 71, 87, 91, 92, 93, 97, 98, 99, 107, 115, 119, 120, 127, 132, 134, 146, 160, 161, 162, 166, 167, 168, 170, 173, 174, 180, 181, 182, 187, 193, 208, 209, 219, 220, 243, 252, 253, 256, 261, 271, 274.		
Nominations by,	.	8, 9, 10, 270
Offers resolutions,	.	52, 70, 112, 114, 267
Appointment of, on Committees, 5, 30, 60, 63, 64, 71, 105, 112, 127, 141, 160, 201, 219, 228, 229, 244, 245, 257.		
Submits reports,	6, 47, 51, 70, 143, 152, 175, 191, 212, 226, 236, 252	
Gives notice of bills,	.	38, 100, 135
Introduced bills,	.	138, 148, 219, 227, 228
 McGOVERN, JAMES.		
Nominated Sergeant-at-Arms,	.	10
 MECHANICS, an act to amend an act securing liens to, (H. B. 73.)		
Read first and second time,	.	219
Referred to Judiciary Committee,	.	219
Report of Committee on,	.	227
Amendments of Judiciary Committee adopted,	.	234
Read third time,	.	241
Passed,	.	241
 MEMBERS OF HOUSE.		
List of,	.	4
Took oath,	.	7
 MEMORIALS TO CONGRESS.		
Governor's Message on,	.	46
 MEMORIAL, asking an appropriation for a National road, (C. J. 1.)		
Read first and second time.	.	60
Read third time,	.	60
Passed,	.	60
 MEMORIAL, in relation to establishing a Branch Mint, (H. J. 1.)		
Read first and second time,	.	71
Referred to Committee on Printing,	.	71
Read first and second time again,	.	76
Read third time,	.	76
Passed,	.	76
Council amendments to, concurred in,	.	124

	Page
MEMORIAL, asking appropriation, etc., (H. J. 2.)	
Read first and second time,	75
Read third time,	75
Passed,	75
MEMORIAL.	
In relation to treaty with Crow Nation, (H. J. 3.)	97
MEMORIAL.	
To extinguish Indian title to Bitter Root Valley, (H. J. 4.)	118
MEMORIAL, asking for the construction of a Military road from Muscleshell to Fort Ellis, (H. J. 5.)	
Read first and second time,	124
Read third time,	124
Passed,	124
MEMORIAL, relative to Organic Act of Territory, (H. J. 6.)	
Read first and second time,	153
Referred to Judiciary Committee,	153
MEMORIAL, for construction of road from Box Elder, Utah, to Helena, (H. J. 7.)	
Read first and second time,	227
Read third time,	227
Passed,	227
MEMORIAL, asking for appropriation for Historical Society, (H. J. 8.)	
Read first and second time,	249
Read third time,	249
Passed,	249
MESSAGES FROM COUNCIL, 11, 15, 33, 34, 37, 40, 44, 45, 47, 81, 82, 87, 91, 102, 107, 113, 115, 116, 126, 127, 131, 132, 143, 146, 158, 161, 168, 172, 174, 183, 188, 194, 197, 201, 202, 203, 209, 219, 222, 224, 230, 242, 244, 250, 255, 257, 258, 262, 265, 268, 269, 271.	
MILITARY DEBT. (H. J. M. 2.)	
Referred to Special Committee,	124
Report of Special Committee on,	130
Appointment of Conference Committee on,	145
Report of Conference Committee on,	157
Substitute for, adopted,	161
Approval of,	221
MILITARY ROAD. (<i>See Mullen Road.</i>)	
MILITARY ROAD, from Muscleshell to Fort Ellis, (H. J. M. 5.)	
Read first and second time,	124
Read third time,	124
Passed,	124
Approval of,	160

	Page
MILITARY ROAD, an act explanatory of an act declaring Public Highway, (C. B. 38.)	
Read first and second time,	206
Indefinitely postponed,	206
MILITARY ROAD, memorial for construction of. (<i>See Helena.</i>)	
MINERS, FOREIGN, an act to license, (C. B. 11.)	
Read first and second time,	112
Referred to Committee of the Whole,	112
Considered by Committee of the Whole,	127
Report of Committee of Whole on,	130
Report of Committee of Whole on, adopted,	134
Read third time,	134
Passed,	134
House recede from amendments to,	158
MINES, PLACER, an act in relation to discovery of, (H. B. 5.)	
Read first and second time,	39
Referred to Committee on Ways and Means,	39
Report of Committee on,	47
Referred to Committee of the Whole,	47
Report of Committee of Whole on,	51
Amendments to, adopted,	51
Ordered to third reading,	51
Read third time,	58
Passed,	58
Title amended,	58
MINES, PLACER, an act relating to discovery of. (H. B. 21.)	
Read first and second time,	91
Amended,	91, 92
Read third time,	94
Passed,	94
MINES, PLACER, an act amendatory to an act relating to discovery of, (H. B. 61.)	
Read first and second time,	180
Referred to Committee on Ways and Means,	180
Report of Committee on,	225
Read third time,	229
Passed,	229
MINES, an act to repeal an act relating to discovery of, (H. B. 62.)	
Read first and second time,	187
Read third time,	187
Passed,	187
MINING. (<i>See Quartz and Placer Mining.</i>)	
MINING LAW. (<i>See District.</i>)	

MINING CLAIMS, an act to amend an act concerning conveyance of, (H. B. 71.)	Page
Read first and second time,	214
Referred to Judiciary Committee,	214
Report of Judiciary Committee on,	224
Substitute for, adopted,	231
Read third time,	231
Passed,	231
MINT. (H. J. M. 1.)	
Council amendments to, concurred in,	124
Approval of,	160
MISSOULA COUNTY, an act to authorize levy of road and bridge tax, (H. B. 15.)	
Read first and second time,	56
Referred to Committee on Internal Improvements,	56
Report of Committee on,	61
Read third time,	64
Passed,	64
MISSOULA COUNTY, an act to require county commissioners to provide offices for officers of, (C. B. 17.)	
Read first and second time,	76
Referred to Judiciary Committee,	76
Report of Committee on,	80
Indefinitely postponed,	108
MISSOULA COUNTY, an act for relief of, (H. B. 59.)	
Read first and second time,	180
Referred to Committee on Ways and Means,	180
Report of Committee on,	223
Indefinitely postponed,	230
MONTANA POST, proprietor of.	
Resolution of thanks to,	84
MONTANA, an act to amend an act to incorporate town of, (C. B. 10.)	
Report of Judiciary Committee on,	52
Rules suspended, and bill read third time,	53
Passed,	53
Governor requested to return, for amendments,	76
MORTGAGES, an act to repeal section 20 of an act concerning foreclosure of, (C. B. 40.)	
Read first and second time,	238
Referred to Judiciary Committee,	238
Report of Committee on,	239
Amendments of Judiciary Committee adopted,	243
Read third time,	243
Passed,	243

MULLEN ROAD. (*See Military Road.*)

Page

MULLEN ROAD, an act to declare, a public highway, (C. B. 20.)

Read first and second time,	116
Referred to Committee on Roads and Highways,	116
Report of Committee on,	137
Amended,	139
Read third time,	139
Passed,	139

MUSCLESHELL, military road from. (*See Military Road.*)

NAILS, resolution appropriating one dollar to buy, (H. J. R. 1.)

Read first and second time,	54
Amended,	54
Referred to Committee on Indian Affairs,	54
Report of Committee on,	55
Indefinitely postponed,	56

NATIONAL ROAD, memorial asking for appropriation from Fort Benton to
Columbia river, (C. J. M. 1.)

Read first and second time,	60
Read third time,	60
Passed,	60

NEWCOMER, D. P., an act for relief of, (H. B. 40.)

Read first and second time,	135
Referred to Committee on Ways and Means,	135
Report of Committee on,	155
Referred to Special Committee,	161
Majority report of Special Committee on,	164
Minority report of Special Committee on,	164
Report of Committee of the Whole on,	193
Indefinitely postponed,	194

NEWCOMER, D. P., an act requiring Deer Lodge county to pay, (H. B. 74.)

Read first and second time,	219
Referred to member from Deer Lodge county,	219
Committee report substitute for,	228
Substitute adopted,	228
Read third time,	228
Passed,	228
Approval of,	268

OFFICERS. (*See Jurors, Legislative Officers.*)

	Page
OFFICERS, an act to provide increased compensation for, (H. B. 1.)	
Read first and second time,	37
Referred to Committee on Ways and Means,	37
Report of Committee on,	163
Considered by Committee of the Whole,	201
Report of Committee of the Whole on,	205
Read third time,	208
Lost,	208
OFFICERS, an act to provide increased compensation for, (H. B. 16.)	
Report of Judiciary Committee on, adopted,	83
Referred to Committee on Ways and Means,	90
Report of Committee on,	117
Considered by Committee of the Whole,	121
Report of Committee of the Whole on,	125
Bill amended,	125, 126
Substitute for, laid on table,	126
Ordered to third reading,	127
Read third time,	132
Passed,	132
Appointment of Conference Committee on,	226
Report of Conference Committee on,	253
Report adopted,	258
Approval of,	265
Approval of,	270
OFFICERS, an act to amend an act creating certain, (C. B. 24.)	
Read first and second time,	112
Referred to Judiciary Committee,	112
Report of Judiciary Committee on,	117
Read third time,	119
Passed,	119
OFFICERS, JURORS, AND WITNESSES, an act to regulate fees of, (H. B. 51.)	
Read first and second time,	149
Report of Judiciary Committee on,	212
Amendments of Judiciary Committee adopted,	216
Indefinitely postponed,	274
OFFICERS, an act supplementary creating certain, (H. B. 75.)	
Read first and second time,	221
Read third time,	221
Passed,	221
Council amendments concurred in,	244

	Page
OFFICERS, JURORS, AND WITNESSES, an act to amend an act regulating fees of, (C. B. 44.)	
Read first and second time,	259
Returned to Council,	259
Read third time,	263
Passed,	263
OFFICERS, JURORS, AND WITNESSES, an act to repeal an act to amend an act regulating fees of, (H. B. 85.)	
Read first and second time,	272
Indefinitely postponed,	272
ORDNANCE OFFICERS, resolution authorizing appointment of, (H. J. R. 8.)	
Read first and second time,	260
Referred to Committee of Ways and Means,	260
Committee of Ways and Means report substitute for,	261
Read third time,	261
Passed,	261
OREGON RESOLUTION.	
Referred to Committee on Federal Relations,	66
Report of Committee on,	67
Report of Committee adopted,	77
Resolution for appointment of Joint Committee on,	77
Resolution in relation to,	118
Resolution relating to, adopted,	133
ORGANIC ACT OF TERRITORY, memorial in relation to, (H. J. M. 6.)	
Read first and second time,	153
Referred to Judiciary Committee,	153
Report of Judiciary Committee on,	185
Read third time,	192
Passed,	192
Approval of,	270
PARSONS, W. P.	
Nominated for Enrolling Clerk,	10
PAST AND PRESENT.	
Governor's Message relating to,	28
PAUNCEFORT, MR.	
Resolution granting use of hall to,	106
Governor's Message on,	26
Report of Committee on Federal Relations concerning,	179
Resolutions relating to,	179

	Page
PERSONS, certain resolution for the relief of, (C. J. R. 4.)	
Read first and second time,	244
Referred to Special Committee,	244
Read third time,	250
Passed,	250
PETITION.	
In relation to boundaries of Gallatin and Jefferson counties,	88
For enactment of law for protection of Indian children, presented,	101
Referred to Committee on Indian Affairs,	101
Of citizens of Missoula for charter, presented,	101
Laid on table,	
PLACER MINING. (<i>See Quartz and Placer Mining.</i>)	
POSTAGE STAMPS.	
Resolution relative to, etc.,	70
POST BOY.	
Resolution relative to appointment of,	29
POUNDS, THOMAS E.	
Nominated for Assistant Clerk,	8
Nominated for Engrossing Clerk,	9
Elected,	9
Took oath of office,	12
POWERS, W. F. Member of House.	
Took oath of office,	7
Motions by, 41, 113, 133, 146, 147, 151, 208, 216	
Appointed on Committees, 30, 139, 201, 228, 229, 257	
Offers resolution,	32
Gives notice of bills,	39
Introduced bills, 62, 140	
Submits reports, 88, 177	
PRACTICE ACT. (<i>See California Practice Act.</i>)	
PRESIDENTIAL ELECTION.	
Governor's Message on,	28
PROBATE COURT. (<i>See Deer Lodge County.</i>)	
PROBATE COURTS, an act providing for clerks of, (H. B. 8.)	
Read first and second time,	43
Referred to Committee on Judiciary,	43
Report of Judiciary Committee on,	48
Amendments adopted,	50
Ordered to third reading,	50
Vote by which passed to third reading reconsidered,	63
Referred to Special Committee,	68

PROBATE COURTS, an act, etc. — <i>Continued.</i>	Page
Report of Special Committee on, with amendments,	70
Amended,	71
Adopted as amended,	71
Ordered engrossed,	71
Read first and second time,	76
Read third time,	76
Passed,	76
Approval of,	145
PROBATE COURTS, an act to regulate appeals from, (H. B. 36.)	
Read first and second time, and ordered printed,	119
Referred to Judiciary Committee,	123
Report of Committee on,	129
Read third time,	132
Passed,	132
Approval of,	221
PROBATE COURTS, an act conferring authority on, (C. B. 34.)	
Read first and second time,	206
Read third time,	206
Passed,	206
PUNISHMENTS. (<i>See Crimes.</i>)	
QUARTZ AND PLACER MINING.	
Governor's Message on,	20
RAILROADS.	
Governor's Message in relation to,	22
REA, WILLIAM.	
Appointed Sergeant-at-Arms,	5
Nominated for Sergeant-at-Arms,	10
RECORDS OF JEFFERSON COUNTY. (<i>See Jefferson County.</i>)	
REDDICK, MR.	
Nominated for Sergeant-at-Arms,	10
RELIEF OF CERTAIN PERSONS, resolution for. (<i>See Persons.</i>)	
REPRESENTATIVE DISTRICT. (<i>See District.</i>)	
RESOLUTIONS, HOUSE.	
Extending privilege of the floor to members of press,	14
For appointment of Committee to inform Council of organization, etc.,	13
Joint, for appointment of Committee on revenue law,	13
Adopted,	14

RESOLUTIONS, HOUSE — *Continued.*

For appointment of Joint Committee on rules,	14
Adopted,	14
That House elect a chaplain,	14
Lost,	14
House concurrrent, inviting ladies of Virginia City to attend joint session of legislature,	14
House concurrent, inviting Council to meet in joint session,	15
Adopted,	15
Concurrent, in relation to appointment of post boy,	29
Requesting secretary to furnish 100 copies of rules,	32
House concurrent, in relation to applications for divorce,	32
For appointment of commissioner to request secretary to award printing to J. P. Bruce,	32
Directing chief clerk to furnish secretary copy of report of Special Committee on newspapers,	33
That secretary be requested to furnish 500 copies of Governor's message for use of House,	33
Tendering thanks of House to James M. Cavanaugh,	34
That secretary of Territory be requested to furnish House with 50 cards containing standing committees of House,	37
Requesting secretary to furnish keys for desks,	37
Concurrent, for appointment of committee to report act providing for collection of revenue,	43
That Committee on Public Lands be requested to prepare memorial to Congress for appropriation of money, etc.,	43
That sergeant-at-arms be requested to call upon secretary and request him to furnish members with stationery, etc.,	46
Adding Mr. Kerly to Committee on Mines and Minerals,	52
House joint, appropriating \$1 to buy nails,	54
Dispensing with office of post carrier,	56
Inviting Rev. Bishop Tuttle to act as chaplain,	59
House Joint No. 2, for the relief of Thomas Church,	62
Relative to postage stamps and transit of letters,	70
In regard to "Oregon resolution,"	77
In relation to House Bill No. 25,	81
Of thanks to proprietors of Democrat and Montana Post,	84
In relation to House Bill No. 25, adopted,	86
For appointment of committee in relation to newspapers,	89
In relation to newspapers introduced,	96
Adopted,	97
Giving use of hall to Mr. Pouncefort,	106
House Joint No. 2, report of committee on, adopted,	108
Indefinitely postponed,	108
For appointment of committee to examine books of treasurer and auditor, adopted,	111
Of adjournment,	114
In relation to "Oregon Resolution,"	118

RESOLUTIONS, HOUSE — <i>Continued.</i>	Page
For appointment of committee on school law,	127
For appointment of committee on election law,	138
Relative to action of Council on House Bill No. 29,	140
Relative to printing treasurer's report,	145
Authorizing committee on books of auditor and treasurer to appoint clerks, passed,	145
House Joint No. 3, for relief of Thomas B. Wade,	149
Relative to appropriations, etc.,	150
Granting use of hall to Mr. Pauncefort,	174
For appointment of committee to draft memorial in relation* to penitentiary,	179
Relative to adjournment, laid on table,	180
Relative to adjournment,	181
Relative to evening sessions,	184
Relative to adjournment,	184
Of thanks to John P. Bruce,	203
Relative to Council action on House Bill No. 42,	215
House Joint No. 4, for the relief of W. M. Stafford,	217
House Joint No. 5, for the relief of Wm. Y. Lovell,	222
Relative to Council amendments to House Bill No. 42,	227
Relative to printing laws of the session,	240
Relative to printing laws of 4th and 5th session,	240
Relative to printing laws in Democrat and Gazette,	240
House Joint No. 6, appropriating funds for arsenal, etc.,	249
House Joint No. 7, to distribute arms and ammunition,	251
In relation to arms in territorial armory,	254
House Joint No. 8, to authorize appointment of ordnance officer,	260
Relative to adjournment,	266
House Joint No. 9, for the relief of legislative clerks,	266
Of thanks to auditor and treasurer,	267
Of thanks to Hon. A. E. Mayhew,	267
Of thanks to clerks and attachees,	267
House Joint No. 10, for relief of John S. Rockfellow,	269
House Joint No. 11, to provide for correction of the laws,	270
House concurrent, for appointment of committee to wait on Governor,	272
Of thanks to Thomas B. Wade,	273
House Concurrent No. 9, for adjournment,	273

RESOLUTIONS, COUNCIL

Council Joint No. 13. (No subject given.)	
Read first and second time,	274
Read third time,	274
Passed,	274
Council concurrent, requesting governor to return Council Bill No. 10,	76
Council Joint No. 6, to pay John How for treasurer's safe,	195
Council Joint No. 7, for the relief of Davis and Thoroughman,	195

RESOLUTIONS, COUNCIL — <i>Continued.</i>	Page
Council concurrent No. 8, to pay John A. Carr,	237
Council Joint No. 4, for the relief of certain persons,	244
Council Joint No. 10, for relief of S. B. Grew,	268
Council Joint No. 9, making appropriations for certain persons.	
Read first and second time,	268
Read third time,	268
Passed,	268
Council Joint No. 11, for the relief of R. E. Haslep,	269
Council Joint No. 12, in relation to auditor,	272

REVENUE LAW.

Resolution for appointment of joint committee on, adopted,	14
Resolution to appoint a committee to report an act for collection of, adopted,	43
Report of committee in relation to,	110

REVENUE, an act to amend an act for collection of, (H. B. 3.)

Read first and second time,	39
Referred to Committee on Ways and Means,	39

REVENUE, an act amendatory of an act providing for collection of,
(H. B. 6.)

Read first and second time,	39
Referred to Committee on Ways and Means,	39

REVENUE, an act to provide for collection of, (H. B. 34.)

Read first and second time,	111
Referred to Committee on Printing,	111
Referred to Special Committee,	121
Report of Committee on,	122
Amended,	124
Read third time,	125
Passed,	125

RHODES, JOHN W. Member of House.

Took oath of office,	7
Nominations by,	8
Appointment of, on Committees,	5, 14, 30, 116
Submits reports,	6, 95, 117, 154, 163, 197, 211, 212, 223

RICHARDS, JOHN AND LOUISA, an act to divorce, (C. B. 30.)

Read first and second time,	257
Indefinitely postponed,	257

ROADS, TERRITORIAL. (*See Territorial Roads.*)ROADS. (*See Mullen Road, Military Road, Toll Road.*)

	Page
ROCKFELLOW, JOHN S., resolution for relief of, (H. J. R. 10.)	
Read first and second time,	269
Referred to Committee of Ways and Means,	269
RODGERS, WILLIAM H. Auditor.	
Resolution of thanks to,	266
Report of,	278
ROGAN, PATRICK.	
Elected Fireman,	12
Took oath of office,	12
RULES OF LAST SESSION.	
Adopted,	13
Appointment of Committee on,	14
RUSSIAN PURCHASE.	
Governor's Message on,	26
SCHOOL LAW.	
Governor's Message in relation to,	18
Resolution for appointment of Committee on,	127
Report of Special Committee on,	187
SCHOOLS, COMMON, an act to amend an act establishing, (H. B. 56.)	
Read first and second time,	161
Referred to Committee on Elections,	161
SCHOOL SYSTEM, an act establishing, (H. B. 64.)	
Read first and second time,	188
Referred to Committee on Education,	214
Report of Committee on,	220
Considered by Committee of the Whole,	220
Considered by Committee of the Whole,	222
Report of Committee of the Whole on,	232
Amendments of Committee adopted,	233
Read third time,	246
Passed,	246
Council amendments concurred in,	263
SCHWARTZ, PAUL AND CATHERINE, an act to divorce, (C. B. 36.)	
Read first and second time,	257
Indefinitely postponed,	257
SEAT OF GOVERNMENT, an act to locate, (C. B. 2.)	
Read first and second time,	97
Amended,	98
Read third time,	99
Passed,	100

SEAT OF GOVERNMENT, an act supplementary to an act to amend an	
act to locate. (H. B. 57.)	Page
Read first and second time,	165
Referred to Committee on Elections,	166
Report of Committee on,	177
Read third time,	180
Passed,	180

SEAT OF GOVERNMENT, an act to change, (H. B. 66.)	
Read first and second time,	201
Referred to Special Committee,	201
Report of Committee on,	212
Indefinitely postponed,	215

SHAFFER, D. L. Member of House.	
Took oath of office,	7
Motions by,	5, 107
Nominations by,	7
Appointment of, on Committees,	7, 14, 30, 60, 121, 124, 135, 144
Submits reports,	7
Gives notice of bills,	37, 138
Introduced bills,	124, 144
Offers resolutions,	59

SHERIFF OF GALLATIN COUNTY. (*See Gallatin County.*)

SILVER QUARTZ LODES. (*See Gold and Silver Quartz Lodes.*)

SMITH, ADDISON, an act for relief of, (C. B. 27.)	
Read first and second time,	244
Referred to Special Committee,	244
Report of Committee on,	247
Read third time,	247
Passed,	247

STAFFORD, W. M.	
House Joint Resolution No. 4, for the relief of,	217
Report of Judiciary Committee on,	224
Indefinitely postponed,	232

STALLIONS, an act concerning, (H. B. 9.)	
Read first and second time,	43
Referred to Judiciary Committee,	43
Report of Judiciary Committee on,	49
Amendments to, adopted,	50
Ordered to third reading,	50
Read third time,	57
Passed,	57
Approval of,	145

STAPLETON, G. W. Member of House.	Page
Took oath of office,	7
Motions by, 15, 45, 53, 54, 82, 131, 165, 264, 274	
Nominations by,	10
Offers resolutions,	32, 43, 240
Appointment of, on Committees, 5, 14, 30, 60, 105, 108, 128, 160, 201, 226, 228, 229, 237, 245, 258, 272.	
Submits reports, 6, 42, 48, 52, 54, 62, 68, 74, 75, 77, 78, 80, 85, 87, 95, 101, 110, 117, 129, 142, 149, 152, 156, 179, 185, 188, 212, 223, 224, 235, 239.	
Gives notice of bills,	32, 96
Introduced bills, 64, 84, 86, 130, 148, 158, 187, 210, 218, 221, 222	
STERLING. (<i>See Toll Road.</i>)	
STEWART, W. Member of House.	
Took oath of office,	7
Motions by, 5, 8, 13, 32, 45, 65, 66, 77, 89, 92, 93, 98, 100, 107, 108, 114, 115, 118, 119, 120, 125, 126, 128, 131, 132, 134, 136, 145, 149, 158, 159, 160, 161, 176, 181, 185, 187, 192, 193, 195, 203, 208, 216, 218, 219, 222, 228, 247, 251, 253, 257, 274.	
Offers resolutions, 13, 15, 33, 46, 145, 181, 192, 203, 204, 266, 273	
Appointment of, on Committees, 8, 13, 14, 30, 60, 64, 77, 105, 112, 116, 121, 128, 136, 141, 160, 161, 174, 201, 226, 245, 257, 258.	
Submits reports, 31, 41, 49, 66, 69, 95, 109, 111, 146, 155, 163, 164, 177, 178, 185, 186, 189, 239, 245, 247, 256, 258, 260.	
Gives notice of bills,	32,
Introduced bills,	40, 56, 105, 240, 251
STRICKLAND, OTIS. Member of House.	
Took oath of office,	7
Motions by, 31, 41, 45, 88, 100, 128, 170, 182, 192, 209, 215, 216, 222, 228, 230, 232, 248, 253, 254, 260, 270, 272, 274.	
Nominations by,	11
Offers resolutions,	184
Appointment of, on Committees,	30, 144, 219, 244
Gives notice of bills,	31, 85, 111
Introduced bills,	39
SUPERINTENDENT, TERRITORIAL, an act relative to, (C. B. No. 47.)	
Read first and second time,	273
Read third time,	273
Passed,	273
SUPREME COURT. (<i>See Attorneys.</i>)	
SWEENEY, JOHN. Member of House.	
Took oath of office,	7
Offers resolutions,	89, 127, 180
Appointment of, on Committees,	7, 30, 89, 127, 145, 254
Submits reports,	7, 52, 95, 156, 187, 220
Introduced bills,	62, 188, 213, 249, 254

SWINE, an act concerning, (C. B. 22.)

Read first and second time,	115
Referred to Committee on Agriculture,	11
Report of Committee on,	117
Indefinitely postponed,	119

TEAMSTERS, LABORERS, AND WAGON MASTERS, an act to secure
liens to, (H. B. 43.)

Read first and second time,	140
Referred to Judiciary Committee,	140
Report of Committee on,	142
Amendments to, adopted,	146
Read third time,	150
Passed,	150

TERRITORIAL IMMIGRATION.

Governor's Message in relation to,	23
--	----

TERRITORIAL ROAD, an act to amend an act establishing, (H. B. 30.)

Read first and second time,	96
Referred to Committee on Roads and Highways,	96
Report of Committee on,	101
Amendments to, reported by Committee, adopted,	106
Referred to Special Committee,	135
Report of Committee on,	159
Considered by Committee of the Whole,	161
Report of Committee of the Whole on,	165
Action on,	168, 169, 170, 171, 172
Amended,	173
Read third time,	182
Passed,	182

THOMAS, O. P.

Nominated for Sergeant-at-Arms,	10
Elected,	11
Took oath of office,	12

TIMBER. (*See Fires.*)

TOLL ROAD, an act authorizing construction of, (H. B. 21.)

Read first and second time,	62
Referred to Committee on Corporations,	62
Report of Committee on,	64
Recommitted to Committee,	64
Report of Committee on,	74
Report of Committee adopted,	76
Read third time,	76
Passed,	76
Approval of,	207

TOLL, ILLEGAL, an act to prevent collection of, (H. B. 65.)	Page
Read first and second time,	188
Referred to Committee on Judiciary,	188
Report of Committee on,	195
Read third time,	196
Passed,	196
Approval of,	262
TOWN SITES, an act relative to pre-emption of, (C. B. 26.)	
Read first and second time,	237
Referred to Special Committee,	237
Report of Committee on,	239
Read third time,	242
Passed,	242
TOWN SITES, an act explanatory of an act to amend an act relative to pre-emption of, (C. B. 45.)	
Read first and second time,	259
Read third time,	259
Passed,	259
TREASURER, TERRITORIAL. (<i>See Auditor.</i>)	
TREASURER. (<i>See W. G. Barkley.</i>)	
TREASURER. (<i>See County Treasurer.</i>)	
TREASURER. (H. B. 42.)	
Read first and second time,	138
Read third time,	138
Passed,	138
Resolution relating to Council action on,	215
Resolution relating to Council amendments to,	227
TROUT FISHING, an act to repeal an act in relation to, (H. B. 4.)	
Read first and second time,	39
Referred to Judiciary Committee,	39
Report of Committee on,	42
Read third time,	46
Passed,	46
TUFTS, JAMES, Secretary and Acting Governor.	
Called House to order,	5
Communication from, transmitting copies of Barclay's "Digest,"	34
Communication from, relating to newspapers, etc.,	59
Communication from, relative to appropriations,	174
Resolution of thanks to,	267
TUTTLE, RIGHT REVEREND BISHOP.	
Resolution inviting him to act as Chaplain of House during stay at Virginia City,	59
Rejected,	59

UNIVERSITY OF MONTANA.	Page
Governor's Message in relation to,	19
VANDERBILT, J.	
Nominated Sergeant-at-Arms,	10
VAUGHN COUNTY. (<i>See Big Horn County.</i>)	
VIRGINIA CITY. (<i>See Toll Road.</i>)	
VIRGINIA CITY, an act authorizing repeal of an act incorporating, (C. B. 35.)	
Read first and second time,	206
Read third time,	206
Passed,	206
WADE, THOMAS B., resolution appropriating money for relief of, (H. J. R. No. 3.)	
Read first and second time,	149
Referred to Committee on Ways and Means,	149
Report of Committee on,	197
Referred to Special Committee,	201
Report of said Committee on,	205
Read third time,	207
Passed	207
Approval of,	258
Resolution of thanks to,	273
WENTWORTH, G. W. Member of House.	
Took oath of office,	7
Motions by, 46, 65, 108, 115, 165, 188, 207, 214, 255	
Offers resolution,	56
Appointment of, on Committees, 13, 30, 124, 258	
Submits reports, 61, 80, 117, 129, 178	
Gives notice of bills, 32, 38, 39, 50, 96, 174	
Introduced bills, 53, 56, 118, 180	
WILSON, L. S. Member of House.	
Took oath of office,	7
Motions by, 51, 73, 114, 159, 179, 186	
Offers resolutions,	14
Appointment of, on Committees, 13, 30, 32, 63, 89, 135, 144, 160, 254	
Gives notice of bills, 32, 39, 138	
Introduced bills, 39, 43, 96, 97, 141, 161	

